**Annex**

**MEASURES set out in order to eliminate fraud risks in public procurement process**

The entire personnel of the partners, involved in the procurement process shall sign the **declarations foreseen in this Annex the PIM**. All the declarations shall be registered and made available to the Programme structures, together with the all procurement documents (file).

Each partner shall observe the measures set out by this chapter for each procurement process developed within a project. Each partner will apply the provisions of this chapter depending to the type of organization they represent:

* Public partners /Contracting authorities (e.g. local and central public authorities, etc.) will observe the provision of Section I;
* Private partners (the beneficiaries that are not contracting authority according to legal provisions - e.g. non-governmental organizations, private non-profit making bodies/organizations, foundations, universities etc.) will observe the provisions of Section II.

For partners that have an internal audit unit, it is recommended to use this structure to analyze the procurement process.

All the documents drafted by each partner shall be submitted to the first level control, together with the supporting documents required for expenditure validation.

It is recommended each partner to have an internal code of conduct and a conflict of interest policy relating to projects funded from European funds. If the partner does not have this kind of codes, he may take into consideration the EU guides or other national documents on these issues.

**Section I. Public partners/ Contracting authorities**

When developing a procurement process, the public partners will observe the legal provisions, according to the national and European law.

The partner must observe the conflict of interest within public procurement procedures. In this regard, the partner shall observe the national legal provisions regarding the conflict of interest.

Thus, the partner’s personnel involved in a public procurement procedure shall declare the absence of conflict of interest according to national law. These declarations will be registered and made available to the Programme structures. **A template regarding Conflicts of Interest Declaration and confidentiality is presented in Annex Conflicts of Interest Declaration and confidentiality**, drafted according to the European Commission guide *Identifying conflicts of interests in public procurement procedures for structural actions - A practical guide for managers elaborated by a group of Member States' experts coordinated by OLAF's unit D2***.**

It is recommended the partner to observe the four eyes principle for all documents drafted according to national legislation/ internal programme requirements and the indications provided within this document, needed for developing the procurement procedure.

The partners that are allowed to use the PREVENT system in Romania have the obligation to use it in the procurement process.

Also, please note that the partner does not have the right to divide the procurement contract into several separate contracts of lower value, or to use calculation methods that may lead to the underestimation of the estimated values of the procurement contract, with the purpose of avoiding the application of the provisions of public procurement rules/procurement rules.

According to the type of the procurement procedure developed, the partners will observe the following indications, according to each procurement procedure stage. Regardless of the type of the procurement procedure applied, the partners must permanently update the information regarding the procurement procedure.

1. **Direct public procurement (bellow the legal threshold) – public partners.**

When developing a direct procurement, provided that the legal threshold is observed, the contracting authority shall take into account the following steps.

**The procurement must not be split artificially to circumvent the procurement thresholds.**

|  |  |  |  |
| --- | --- | --- | --- |
| PP[[1]](#footnote-1) Stage | Steps | Actions/measures to take | Outputs-indicative documents required[[2]](#footnote-2) |
| Planning, preparation and carry out | Drafting the technical specification/ terms of reference | In case of direct purchase of services, goods or works, with certain degree of complexity[[3]](#footnote-3), it is mandatory for the partner to draft the technical specifications/terms of references that need to be observed by the direct provider.  These technical specifications/ terms of references should be approved by the legal representative or by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner).  If such technical specifications/ terms of references were drafted and approved, the reception of the services, goods or works will be made in accordance with these specifications. | Internal documents regarding the approval of the technical specifications/terms of references |
| Budget allocation | Justifying the market price is an obligation of the partner.  It is mandatory for the partner to make a deep market research for related costs and, if the case, to use the internal benchmark price for standard goods or services (based on previous prices paid by the partner and on the market price).  The price offers shall be taken into consideration when estimating the costs. | Internal documents regarding the justification of the budget/the approval of the budget |
| Approval of the direct procurement | It is obligatory that the direct procurement to be approved by the legal representative of the partner or by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner). | Internal documents approving the direct procurement |
| Rules concerning the direct procurement | It will be observe the national legislation which requires a justification document | Internal documents approving the direct procurement. note for the estimated value of the contract; justification for not using the ESPP (if applicable) |
| Conflict of interest | The partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests within the procurement process. Rules of conflict of interest shall be observed during the entire process of procurement (from request to price offer to signing the contract). In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each person involved in the direct procurement. | Declaration of the conflict of interest;  Register of the conflict of interest declarations. |
| Implementation and monitoring | If the partner decides to sign a contract[[4]](#footnote-4) | In case the partner decides to conclude a legal contract with the provider, then the partner shall publish all the contract information that is not publically sensitive (according to national provisions). The partner shall make public the information on its website or on the Programme site, if the partner does not have one:   * The information shall be posted in 10 days from the contract signing on the partner’s site. * The request for publishing the information on Programme site (together with the relevant information) is submitted to JS in 8 days from the contract signing.   The minimum following information shall be made public: the name of the provider, the contract value, the type of procurement, namely direct procurement, the contract object. | Information posted/request to JS for posting the information on the Programme site |
| No documents issued by the partner as buyer – direct purchase | The national provisions shall be observed. | According to national provisions |
| Implementation, monitoring and control | The partner:   * Reviews products/ works purchased/performed against the technical specifications * Periodically reviews the quality of the activities performed by the service provider (if the process involves complex/more activities) against the TORs provisions; * Reviews activity reports, if they were required within the contract / technical specifications / TORs * Reviews outputs for evidence of costs and requests additional evidence in support. All the reports shall be approved by the partner. * Performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification. * All the invoices received from the provider should be checked and approved by the financial expert/manager before payment.   If the object of direct purchase is works, then the partner must conclude a reception minutes with the provider stating that the works fulfills the quality and quantity criteria | * Internal notes regarding the approval of the reports; * Expert reports regarding the implementation of the activities and the quality of the activities performed by providers, approved by the partner (contracting authority) |
| Reception of services/  product/works | At the completion of the direct procurement, the following indications must be observed:  **Direct purchase**  The partner must ensure that the items bought, object to the direct purchase, are identical with those approved by the legal representative or by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner) or have a superior quality.  The partner must draft an internal document approving the payment of these items. This document must include information regarding the items bought, namely: the items are identical with those approved by the legal representative or by a superior personal with tasks in this regard (according to the internal rules of procedure of the beneficiary) or have a superior quality and the price is in line with the initial budget approved.  If the object of direct purchase is works, then the partner must conclude a reception minutes with the provider stating that the works fulfills the quality and quantity criteria.  **In case that no contract is issued by the partner**  When receiving the services/products/works, the partner must perform a rigorous check on the quality of the products/services/works purchased/performed against the specifications (if they were drafted and made available to the provider). This information shall be included in the receipt minutes.  The partner must draft an internal document approving the receipt of the products/services/works and concluding the procedure. This document must include information regarding the products/services/works subject of the purchase order/procurement notice, namely: the discrepancies between planned and actual activities and budget, the receipt minutes, a qualitative and quantitative evaluation of the products/services/works against the technical specification (if the case), the price, a description of the activities (if the case), all the relevant documents regarding the completion of the activities, (reports, attendance registers, time recording system etc.) etc.  The partner performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  All the invoices received from the contractor should be checked and approved by the financial expert/manager (internal document) before payment.  In case of works, it is recommended the partner to request works certificates or other form of verification certifies, awarded by an independent party, to be provided on the completion of the activities, according to the legal provisions in force.  **In case that a contract is issued by the partner**  When receiving the services/products/works, the partner must perform a rigorous check on the quality of the products/services/works purchased/performed against the specifications (if they were drafted and/or included in the contract/purchase order/procurement notice). This information shall be included in the receipt minutes.  The partner must draft an internal document approving the receipt of the products/services/works and of the payment or countersign the final report issued by the contractor.  This document must include information regarding the products/services/works subject of the contract, namely: the discrepancies between planned and actual activities and budget, the receipt minutes, a qualitative and quantitative evaluation of the products/services/works against the technical specification (if the case), the price, a description of the activities (if the case), all the relevant documents regarding the completion of the activities, (reports, attendance registers, time recording system etc.) etc.  The partner performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  All the invoices received from the contractor should be checked and approved by the financial expert/manager (internal document) before payment.  For any discrepancies between the information provided by the contractor and the contract, the partner shall request for clarifications.  In case of works, it is mandatory the partner to request works certificates or other form of verification certificates, awarded by an independent party, to be provided on the completion of the activities, according to the legal provisions in force. | * Receipts from the seller/provider * Internal documents * Works certificates or other form of verification certifies, awarded by an independent party, according to the legal provisions in force. |
| Contract amendments | The amendments to the contract must be verified and approved by a senior level personnel within the partner. | Reports/approvals |

1. **For competitive public procurement procedure (contracting authorities/public entities)**

The indicative main stages of a competitive public procurement procedure are captured in this image:

**IMPLEMENTATION AND MONITORING**

**EVALUATION**

**BIDDING**

**PLANNIG AND PREPARATION**

Drafting terms of reference/technical specifications

Market research and budget allocation

Tender documents

Evaluation criteria

Contract requirements

Launching the procedure

Publishing the procedure

Clarifications on tender documents (if case)

Receiving the offers

Setting the evaluation board

Bid opening

Bid evaluation

Bid evaluation report

Award of contract

Drafting the contract

Contract implementation

Contract amendments

Contract monitoring and control

Reception of services/product/works

**When developing a competitive public procurement procedure, provided that the legal threshold is observed, the public partner shall take into account the following indications:**

|  |  |  |  |
| --- | --- | --- | --- |
| **PP Stage** | **Steps** | **Actions/measures to take** | **Outputs indicative documents required[[5]](#footnote-5)** |
| Planning, preparation and carry out | Drafting the technical specification/ terms of reference | The technical specifications/terms of references established by the beneficiary must not be too narrow/rigged in comparison with the legal provisions. In such cases, the restrictive specifications shall be identified by the Programme control structure and financial correction shall be applied according to legal provisions. | Internal documents regarding the approval of the technical specifications/terms of references |
| Budget allocation | When estimating the budget of the procurement, it is mandatory for the partner to make a deep market research for related costs and, if the case, to use the internal benchmark price for standard goods or services (based on previous prices paid by the partner and on the market price). | Internal documents regarding the justification of the budget/the approval of the budget |
| Evaluation criteria and Tender documents | The evaluation and selection criteria established by the partner must not be restrictive in comparison with the legal provisions. In such cases, the restrictive evaluation and selection criteria shall be identified by the Programme control structure and financial correction shall be applied according to legal provisions. | Tender documents drafted |
| Approval of the public procurement procedure | It is recommended the public procurement procedure to be approved by the legal representative of the partner or by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner). | Internal documents approving the direct procurement |
| Transparency/ launching the procedure | The partner shall make public all the procurement procedures, including all tender documents. Thus, the partner shall observe all legal provisions regarding the assurance of the transparency of the public procurement procedure, observing the timescales provided by the law. | Tender documents published |
| Confidentiality of information | The personal involved in bidding process shall ensure the confidentiality of information.  In this regard, the persons involved in the procurement process shall sign a declaration stating that the confidentiality of the information included within the tender documents and received offers is ensured. | Declaration of confidentiality |
| Conflict of interest | The partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests within the procurement procedure. In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each person involved in the public procurement procedure. | Declaration of the conflict of interest;  Register of the conflict of interest declarations. |
| Setting up the evaluation board | When setting up the evaluation board[[6]](#footnote-6), the partner shall observe the following recommendations:   * The evaluation board is comprised of several senior management personnel * The members are rotated within the evaluation boards * The members are randomly selected. * The members sign a conflict of interest declaration   The purchaser partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests and/or unfair competition. **In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each member of the evaluation board.**  When setting up the evaluation board, the partner should select members that have knowledge of the marketplace (prices, companies, alliances and understanding between them etc.) taking into consideration their experience, the field of the contract, etc.  In addition, it is recommended to observe the principle of rotation and randomness when setting the evaluation board (if the personnel is sufficient to ensure such rotation and randomness). | Declaration of board evaluation members regarding the conflict of interest;  Register of the conflict of interest declarations. |
| Bid evaluation | When evaluating the bids, it is recommended the evaluators to use their marketplace knowledge that may help them detect high and unusual bid data and unusual relationships between third parties, and act according to national legal provisions in force. Also, during bid evaluation, the board evaluation should:  ● complete backgrounds check on all bidders and third parties (this includes: website checks, companies house information etc.)  ● corroborate prices quoted by bidders in their financial offers to other independent sources. Also, the prices can be compared against the generally accepted prices for similar contracts.  During the evaluation process, the members shall check the existence of all declarations submitted by the bidders, according to the legal provisions.  The members shall include all these information in the evaluation report that shall be submitted to the first level control for expenditure validation.  Also, the evaluation report regarding the selection of the bidder shall include the description of the financial and technical advantages that motivates the selection of one bidder other another bidders. | Evaluation report |
| Implementation and monitoring | Drafting/signing the contract | The partner shall publish all the contract information that is not publically sensitive (according to national provisions). The partner shall made public the information on its website or on the Programme site, if the partner does not have one:  ● The information shall be posted in 10 days from the contract signing on the partner’s site.  ● The request for publishing the information on Programme site (together with the relevant information) is submitted to JS in 8 days from the contract signing.  The minimum following information shall be made public: the name of the provider, the contract value, the type of public procurement used, the contract object. For all single source awards (when only one bidder attended the procedure and the beneficiary plans to sign the contract with that bidder), the partner must provide a strong justification for the award of this contract. The justification shall be approved by a superior that is not involved in the procedure. | Information posted/request to JS for posting the information on the Programme site.  FLC shall verify the justification |
| Implementation, monitoring and control | It is recommended that the contract implementation team set up at partner level to include relevant experts on the contract field. Depending on the contract type, during contract implementation, monitoring and control, the partner should:  ● Perform a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  ● Review products/services/works purchased/performed against the technical specifications;  ● Periodical reviews on the quality of the activities performed by the provider;  ● Review activity reports, if they were required within the contract;  ● Review outputs for evidence of costs and request additional evidence in support. **All the reports shall be approved by the partner**.  ● For service contract where the experts are involved, the partner must give prior authorization to third parties for significant changes of personnel and check them with the offer.  For any discrepancies between the information provided by the contractor and the contract, the partner shall request clarifications.  All the invoices received from the contractor/provider should be checked and approved before payment by the financial expert/manager.  If during the implementation of the contract it was identified a situation of conflict of interest it should be reported to the JS with all the taken measures. | Internal notes regarding the approval of the reports  Expert reports regarding the implementation of the contract and the quality of the activities performed by contractorsand approved by the beneficiary (contracting authority) |
| Reception of services/product/  works | When receiving the services/products/works, the partner must perform a rigorous check on the quality of the products/services/works purchased/performed against the specifications. This information shall be included in the receipt minutes.  For any discrepancies between the information provided by the contractor and the contract, the partner shall request clarifications.  The partner must draft an internal document approving the receipt of the products/services/works and of the payment or countersign the final report issued by the contractor.  This document must include information regarding the products/services/works subject of the contract, namely: the discrepancies between planned and actual activities and budget, the receipt minutes, a qualitative and quantitative evaluation of the products/services/works against the technical specification, the price, a description of the activities, all the relevant documents regarding the completion of the activities, (reports, attendance registers, time recording system etc.) etc.  The partner performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  All the invoices received from the contractor should be checked and approved by the financial expert/manager (internal document) before payment.  In case of works, it is mandatory the partner to request works certificates or other form of verification certification, awarded by an independent party, to be provided on the completion of the activities, according to the legal provisions in force. | Internal notes regarding the approval of the reports;  Expert reports regarding the implementation of the activities and the quality of the activities performed by contractors approved by the partner;  Final reports regarding the completion of the activities performed, approved by the partner;  Works certificates or other form of verification certifies, awarded by an independent party, according to the legal provisions in force;  Other internal documents. |
| Contract amendments[[7]](#footnote-7) | It is recommended that the amendments to the contract to be verified and approved by a senior level personnel within the partner, other than the members of the evaluation board. | Reports/approvals |

**Section II.** **Private partners (the partners that are not contracting authority according to legal provisions)**

When developing a procurement procedure, the private partners will observe the national legal provisions and the rules established by the Programme.

The Romanian private partners must observe the conflict of interest within procurement procedures, according to the Programme rules (e.g. Competitive procedure for Romanian private partners regarding the assignment of supplies, services and works contracts financed within Interreg VI-A Romania-Bulgaria Programmes) or national rules. In this regard, the partner shall sign a declaration regarding the conflict of interest. Thus, the partner’s personnel involved in a procurement procedure shall declare the absence of conflict of interest according to national law and Programme rules. If the national legal provisions do not provide a template of such declaration, it is recommended to use the format elaborated by the Programme structures. These declarations will be registered and made available to the Programme structures. A template regarding Conflicts of Interest Declaration and confidentiality is presented in Annex **Conflicts of Interest Declaration and confidentiality**, drafted according to the European Commission guide *Identifying conflicts of interests in public procurement procedures for structural actions - A practical guide for managers elaborated by a group of Member States' experts coordinated by OLAF's unit D2.*

In addition, it is recommended the partner to observe the four eyes principle for all documents drafted in the procurement process.

Also, please note that the partner does not have the right to divide the procurement contract into several separate contracts of lower value, or to use calculation methods that may lead to the underestimation of the estimated values of the procurement contract, with the purpose of avoiding the application of the provisions of national rules or Programme rules.

1. **For direct procurement**

**When developing a direct procurement, provided that the legal threshold is observed, the private partner shall take into account the following indications.**

**The procurement must not be split artificially to circumvent the procurement thresholds.**

|  |  |  |  |
| --- | --- | --- | --- |
| **PP stage** | **Steps** | **Actions/measures to take** | **Outputs – indicative documents required[[8]](#footnote-8)** |
|  | Drafting the technical specification/ terms of reference | For direct procurement is not mandatory to draft technical specification.  However, in case of direct purchase of services, goods or works with a certain degree of complexity[[9]](#footnote-9) it is recommended to draft the technical specifications/terms of references that need to be observed by the direct provider.  These technical specifications/terms of references should be approved by a superior personnel with tasks in this regard (according to the internal rules of procedure of the beneficiary).  If such technical specifications/terms of references were drafted and approved, the reception of the services, goods or works will be made in accordance with these specifications. | Internal documents regarding the approval of the technical specifications/terms of references |
| Planning, preparation and carry out | Budget allocation | When estimating the budget of the procurement it is mandatory for the partner to make a deep market research for related costs and, if the case, to use the internal benchmark price for standard goods or services (based on previous prices paid by the partner and on the market price).  It is recommended that the budget estimation to be approved by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner). | Internal documents regarding the justification of the estimated value of the contract |
| Approval of the direct procurement | It is recommended the direct procurement to be approved by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner). | Internal documents approving the direct procurement |
| Conflict of interest | The partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests within the procurement.[[10]](#footnote-10) In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each person involved in the procurement. | Declaration of the conflict of interest  Register of the conflict of interest declarations. |
| Implementation and monitoring | Implementation, monitoring and control | **It is not mandatory to sign a contract.** In case the partner decides to conclude a legal contract with the provider, then the partner shall publish all the contract information that is not publically sensitive (according to national provisions). The partner shall make public the information on its website or on the Programme site, if the partner does not have one:   * The information shall be posted in 10 days from the contract signing on the partner’s site. * The request for publishing the information on Programme site (together with the relevant information) is submitted to JS in 8 days from the contract signing.   The minimum following information shall be made public: the name of the provider, the contract value, the type of procurement, namely direct procurement, the contract object  However, in all cases, the partner:   * Reviews products/services/works purchased/performed against the technical specifications (if they were drafted and made available to the provider); * Makes periodical reviews on the quality of the activities performed by the provider (if the process involves complex/more activities); * Reviews activity reports, if they were required within the contract / technical specifications; * Reviews outputs for evidence of costs and requests additional evidence in support. All the reports shall be approved by the partner. * Performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification. * All the invoices received from the contractor/provider should be checked and approved by the financial expert or a manager (according to the partner’s internal rules of procedure) before payment.   For any discrepancies between the information provided by the contractor and the contract / technical specifications the partner shall request clarifications. | Information posted/request to JS for posting the information on the Programme site;  Internal notes regarding the approval of the reports;  Expert reports regarding the implementation of the activities and the quality of the activities performed by contractors. |
| Reception of services/product/works | At the completion of the procurement the following indications must be explained:  The partner must draft an internal document approving the receipt of the products/services/works including information regarding: the discrepancies between planned and actual activities and budget, the receipt minutes, a qualitative and quantitative evaluation of the products/services/works against the technical specification (if the case), the price, a description of the activities (if the case), all the relevant documents regarding the completion of the activities, (reports, attendance registers, time recording system etc.) etc.  For any discrepancies between the information provided by the contractor and the contract / specifications / ToRs, the partner shall request clarifications.  If the object of direct purchase is works, then the partner must conclude a reception minutes with the provider stating that the works fulfills the quality and quantity criteria.  The partner performs a review of invoices submitted by the provider for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  All the invoices received from the provider should be checked and approved by the financial expert/manager (internal document) before payment.  In case of works, it is recommended the partner to request works certificates or other form of verification certifies, awarded by an independent party, to be provided on the completion of the activities, according to legal provisions in force. | Receipts from the seller;  Internal documents;  Final reports regarding the completion of the activities performed, approved by the partner;  Works certificates or other form of verification, awarded by an independent party, according to the legal provisions in force (e.g. reports issued by the site superviser). |
| Contract amendments | The amendments to the contract must be verified and approved by a senior level personnel within the partner. | Reports/approvals |

1. **For competitive procurement procedure**

**When developing a competitive procurement procedure, provided that the legal threshold is observed, the partner shall take into account national legal provisions and the rules established by the Programme. The following indications should also be observed:**

|  |  |  |  |
| --- | --- | --- | --- |
| **PP stage** | **Steps** | **Actions/measures to take** | **Outputs – indicative documents required[[11]](#footnote-11)** |
|  | Drafting the technical specification/ terms of reference | The technical specifications established by the partner should observe the provisions of the financing contracts including their annexes and the national rules. | Internal documents regarding the approval of the technical specifications |
| Planning, preparation and carry out | Budget allocation | When estimating the budget of the procurement it is mandatory for the partner to make a deep market research for related costs and, if the case, to use the internal benchmark price for standard goods or services (based on previous prices paid by the partner and on the market price). | Internal documents regarding the estimated value of the contract |
| Evaluation criteria and Tender documents | The evaluation and selection criteria are not mandatory. If the private partner decides that such requirements are needed, then the criteria used must be justified in a separate document.The evaluation and selection criteria should be in line with the Programme/national rules, case by case. | Tender documents drafted |
| Approval of the procurement procedure | It is recommended that the procurement procedure to be approved by the legal representative of the partner or by a superior personal with tasks in this regard (according to the internal rules of procedure of the partner). | Internal documents approving the direct procurement |
| Transparency/ launching the procedure | The partner shall make public all the procurement procedures, as well as all tender documents.  Thus the partner shall observe the following procedure:   * The Romanian partners shall publish a procurement notice (including the technical specifications, estimated budget, evaluation and selection criteria etc.) on the Programme site [www.interregviarobg.eu](http://www.interregviarobg.eu) * The Bulgarian partners shall publish public invitations on the Single information web portal https://www.eufunds.bg/ * The requirements of publishing are set in a separate document available on Programme’s website (section Rules of implementation/ Programme rules/ Instructions for partners).   The procurement notice/public invitations and the documents will be published in due time for the bidders to prepare and submit their offers, observing the deadlines provided by the Programme.  Also, in addition to the programme’s website/single information webportal the partner can use other sources to make public the procurement procedure. | Tender documents published;    Request to JS /NA |
| Confidentiality of information | The personal involved in bidding process shall ensure the confidentiality of information.  In this regard, the persons involved in the procurement process shall sign a declaration stating that the confidentiality of the information included within the tender documents and received offers is ensured. | Declaration of confidentiality |
| Conflict of interest | The partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests within the procurement procedure. In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each person involved in the public procurement procedure. | Declaration of the conflict of interest;  Register of the conflict of interest declarations. |
| Setting up the evaluation/selection board | In case the partner decides to set up an evaluation/selection board[[12]](#footnote-12), to take into consideration the following recommendations should be taken into consideration:   * The evaluation board is comprised of several senior management personnel * The members are rotated within the evaluation boards * The members are randomly selected (if the personnel is sufficient to ensure such rotation and randomness). * The members sign a conflict of interest declaration. In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each member of the evaluation board/or person in charge with the evaluation of bids. * When setting up the evaluation/selection board, the partner should select members that have knowledge of the marketplace (prices, companies, alliances and understanding between them etc.) taking into consideration their experience, the field of the contract, etc.   In addition, it is recommended to observe the principle of rotation and randomness when setting the evaluation/selection board (if the personnel is sufficient to ensure such rotation and randomness).  It is recommended the partner to select members of evaluation board with sound knowledge of the marketplace prices, companies, alliances and understanding between them etc.   * The purchaser partner must take all the necessary measures in order to avoid the situations that might cause conflicts of interests and/or unfair competition. In this respect, the partner must hold a register of all the declarations regarding the conflict of interest of each member of the evaluation board/or person in charge with the evaluation of bids. | Declaration of board evaluation members regarding the conflict of interest;  Register of the conflict of interest declarations. |
| Bid evaluation/ selection | When evaluating the bids, it is recommended the evaluators to use their marketplace knowledge that may help them to detect high and unusual bid data and unusual relationships between third parties and act according to national legal provisions.  Also, during bid evaluation/selection, the evaluation board should:   * complete backgrounds check on all bidders and third parties (this includes: website checks, companies house information etc.), if the case * corroborate prices quoted by bidders in their financial offers to other independent sources. Also, the prices can be compared against the generally accepted prices for similar contracts.   The members shall include all these information in the evaluation report/justification note regarding the selection of the bidder that shall be submitted to the first level control for expenditure validation.  Also, the evaluation report/justification note regarding the selection of the bidder shall include the description of the financial and technical advantages that motivates the  selection of one bidder. | Evaluation report/justification note regarding the selection of the bidder. |
| Implementation and monitoring | Drafting/signing the contract | The contract shall be concluded only with the bidder selected by the evaluation/selection board according to the evaluation report/ justification note regarding the selection of the bidder.  The partner shall publish all the contract information that is not publically sensitive (according to national provisions). The partner shall make public the information on the Programme site and on its website:   * The information shall be posted in 10 days from the contract signing on the partner’s site. * The request for publishing the information on Programme site (together with the relevant information) is submitted to JS in 8 days from the contract signing.   The following minimum information shall be made public: the name of the provider, the contract value, the type of public procurement used, the contract object. | Information posted/ request to JS for posting the information on the Programme site. |
|  | For all single source awards (when only one bidder attended the procedure and the partner plans to sign the contract with that bidder), the partner must provide a strong justification for the award of this contract. The justification shall be approved by a superior that is not involved in the procedure. | FLC shall verify the justification |
| Implementation, monitoring and control | It is recommended that the contract implementation team set up at partner level to include relevant experts on the contract field[[13]](#footnote-13). Depending on the contract type, during contract implementation, monitoring and control, the partenr should:   * Perform a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification. * Review products/services/works purchased/performed against the technical specifications; * Periodical review on the quality of the activities performed by the provider; * Review activity reports, if they were required within the contract; * Review outputs for evidence of costs and requests additional evidence in support. **All the reports shall be approved by the partner.** * Performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification. * For service contract where the experts are involved, the partner must give prior authorization to third parties for significant changes of personnel and check them with the offer.   All the invoices received from the contractor/provider should be checked and approved by the financial expert/manager before payment.  For any discrepancies between the information provided by the contractor and the contract, the partner shall request clarifications. | Internal notes regarding the approval of the reports;  Expert reports regarding the implementation of the contract and the quality of the activities performed by contractors approved by the partner |
| Reception of services/ supplies/ works | When receiving the services/products/works, the partner must perform a rigorous check on the quality of the products/services/works purchased/performed against the specifications. This information shall be included in the receipt minutes.  For any discrepancies between the information provided by the contractor and the contract, the partner shall request for clarifications.  The partner must draft an internal document approving the receipt of the products/services/works and of the payment or countersign the one issued by the contractor.  This document must include information regarding the products/services/works subject of the contract, namely: the discrepancies between planned and actual activities and budget, the receipt minutes, a qualitative and quantitative evaluation of the products/services/works against the technical specification, the price, a description of the activities, all the relevant documents regarding the completion of the activities, (reports, attendance registers, time recording system etc.) etc.  The partner performs a review of invoices submitted by the contractor for duplication (i.e. multiple invoices for the same amount, invoice number etc.) or falsification.  All the invoices received from the contractor should be checked and approved by the financial expert/manager (internal document) before payment.  In case of works, it is recommended the partner to request works certificates or other form of verification certifies, awarded by an independent party, to be provided on the completion of the activities, according to legal provisions in force. | Internal notes regarding the approval of the reports;  Expert reports regarding the implementation of the activities and the quality of the activities performed by contractors approved by the partner;  Final reports regarding the completion of the activities performed, approved by the partner;  Works certificates or other form of verification certifies, awarded by an independent party, according to legal provisions (e.g reports issued by the site superviser);  Other internal documents |
| Contract amendments[[14]](#footnote-14) | The amendments to the contract must be verified and approved by a senior level personnel within the partner. | Reports/approvals |

1. PP=procurement procedure [↑](#footnote-ref-1)
2. These are indicative documents required by the Managing Authority. It is not mandatory to have distinct documents for all this information. The beneficiary may decide to have a single document that includes all information required by the Managing Authority. [↑](#footnote-ref-2)
3. Within the meaning of this document, complex services, goods or works can be considered: services for drafting, procedures, technical documents, feasibility studies, traffic studies, training, events, promotional materials, works etc. [↑](#footnote-ref-3)
4. It is recommended the beneficiary to conclude a contract or to issue a purchase order/procurement notice when purchasing complex services, goods or works (e.g. services for drafting, procedures, technical documents, feasibility studies, traffic studies, training, events, promotional materials etc.). This will give the beneficiary more control of the procurement process. [↑](#footnote-ref-4)
5. These are indicative documents required by the Managing Authority. It is not mandatory to have distinct documents for all these information. The beneficiary may decide to have a single document that includes all information required by the Managing Authority. [↑](#footnote-ref-5)
6. The beneficiary shall establish the evaluation/selection board according to the national provisions, its internal rules and human resources available. [↑](#footnote-ref-6)
7. All contract amendments shall be made in accordance with national legal provisions and with the Programme rules. [↑](#footnote-ref-7)
8. These are indicative documents required by the Managing Authority. It is not mandatory to have distinct documents for all these information. The beneficiary may decide to have a single document that includes all information required by the Managing Authority. [↑](#footnote-ref-8)
9. Within the meaning of this document, complex services, goods or works can be considered: services for drafting procedures, technical documents, feasibility studies, traffic studies, training, events, promotional materials, works etc. [↑](#footnote-ref-9)
10. Please take into consideration the national legal provisions and the template provided by the Programme. Also, for additional information, you can consult the European Commission guide regarding *Identifying conflicts of interests in public procurement procedures for structural actions - A practical guide for managers elaborated by a group of Member States' experts coordinated by OLAF's unit D2 - Fraud Prevention* <http://ec.europa.eu/sfc/en/2014/anti-fraud> [↑](#footnote-ref-10)
11. These are indicative documents required by the Managing Authority. It is not mandatory to have distinct documents for all these information. The beneficiary may decide to have a single document that includes all information required by the Managing Authority. [↑](#footnote-ref-11)
12. The beneficiary shall establish the evaluation/selection board according to its internal rules and human resources available. The evaluation/selection board may include 1 evaluator if the beneficiary has imitated human resources. [↑](#footnote-ref-12)
13. The beneficiary shall establish the contract implementation team according to its internal rules and human resources available for the contract implementation. [↑](#footnote-ref-13)
14. All contract amendments shall be made in accordance with national legal provisions and with the Programme rules. [↑](#footnote-ref-14)