Control checklist
Version 2 (09.2016)

Section 5 Compliance with procurement rules

5. Compliance with procurement rules

**This section is repeated (duplicated) for each procurement procedure** (button: ‘add procurement’).

**The applicability of the procurement rules depends, among others, on the legal status of the awarding institution. For further information please see chapter C.1.5.1 of the Implementation Manual.**

**For contracting amounts below EUR 5.000 (excl. VAT** **- unless the threshold set by the applicable national rules is stricter) section 5.a is to be filled once for all the contracts reported in the period. This section is applicable to all types of beneficiaries**

**For contracting amounts between EUR 5.000 (excl. VAT) and the threshold set by the applicable EU and national rules only section 5.b is to be filled in. This section is applicable to all types of beneficiaries.**

**For contracting amounts above the threshold set by the applicable EU or national rules either section 5.c or section 5.d has to be filled in: Section 5.c is to be filled in if the beneficiary falls under the scope of application of the public procurement laws and Section 5.d is to be filled in if the beneficiary does not fall under the scope of application of the public procurement laws.**

**In case public procurement procedures were already checked during previous reporting periods, the national controller is to include a comment accordingly. In case of a change in the contract, the section has to be filled in again.**

**Any deductions necessary following infringement of procurement rules are to be reported under the respective budget lines in this checklist.**

5.a Contracting amounts below EUR 5.000 (excl. VAT) unless the threshold set by the applicable national rules is stricter *(applicable to all types of beneficiaries – to be filled in only once for all contracts)*

|  |  |
| --- | --- |
| Verifications  | Confirmed  |
| Yes | No | n.a. |
| 1. The adequacy of costs was ensured and demonstrated.
 | [ ]  | [ ]  | [ ]  |
| 1. There is no evidence of artificial splitting of the contract objective/value in order to avoid procurement requirements.
 | [ ]  | [ ]  | [ ]  |

|  |
| --- |
| **Results, comments, recommendations, points to follow-up (if any).** *NOTE: deductions (if any) are allocated to the relevant budget lines* |
|  |

5.b Contracting between EUR 5.000 (excl. VAT) and the threshold set by the applicable EU or national rules *(applicable to all types of beneficiaries – to be duplicated and filled in for each contract)*

|  |  |
| --- | --- |
| Title of the procurement – if applicable |  |
| Type of procurement | [ ]  works | [ ]  services  | [ ]  supply |
| Name of purchased services/work/supply |  |
| Name of contractor *(for purchases between EUR 5.000 excl. VAT and the applicable threshold)* |  |
| Verifications  | Confirmed  |
| Yes | No | n.a. |
| 1. Adequate market researches were performed and are duly documented.
 | [ ]  | [ ]  | [ ]  |
| 1. There is no evidence of artificial splitting of the contract objective/value in order to avoid procurement requirements.
 | [ ]  | [ ]  | [ ]  |
| 1. If applicable, any amendment of the contract is in line with the applicable public procurement rules without any relevant impact on the validity of the initial procurement procedure.

*(Only in case a contract amendment/extension has been issued)* | [ ]  | [ ]  | [ ]  |

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| **Results, comments, recommendations, points to follow-up (if any).** *NOTE: deductions (if any) are allocated to the relevant budget lines* |
|  |

Contracting amounts above the threshold set by the applicable EU or national rules.

|  |  |  |
| --- | --- | --- |
| According to the legal status of the beneficiary as set in the approved application form: | [ ]  The beneficiary falls under the scope of application of the public procurement laws (if ticked, answer section 5.c) | [ ] The beneficiary does not fall under the scope of application of the public procurement laws (if ticked, answer section 5.d) |

5.c. Contracting amounts above the threshold set by the applicable EU or national rules (*for institutions falling under the scope of application of the public procurement laws* *– to be duplicated and filled in for each contract*)

|  |  |
| --- | --- |
| Title of the procurement  |  |
| Name of contractor  |  |
| The value of the procured, works, goods or services is above the EU threshold.  | [ ]  yes | [ ]  no |
| Type of tender  | [ ]  works | [ ]  services  | [ ]  supply |
| Procurement procedure chosen (open, restricted, negotiated, direct contracting, etc.).  |  |
| Channels/means chosen for publication  |  |
| Verifications  | Confirmed  |
| Yes | No | n.a. |
| 1. EU and national public procurement rules were observed.

*(e.g. complies with the applicable rules; publicity requirement were respected; The principles of transparency, non-discrimination, equal treatment and effective competition been complied with; There was a clear distinction between selection and award criteria in the evaluation of the bids; Selection and award criteria and required technical specifications and national permits are transparent, nondiscriminatory and ensure equal treatment; Decisions are properly documented and justified)* | [ ]  | [ ]  | [ ]  |
| 1. Full documentation of the procurement procedure is available. (In case documentation is not required, please tick *n.a.* and provide an explanation in the comments section).

*(e.g. initial cost estimation; publication notice; TORs; offers/quotes; evaluation/selection report; acceptance/rejection information; complaints; contract etc.)* | [ ]  | [ ]  | [ ]  |
| 1. There is no evidence of artificial splitting of the contract objective/value in order to avoid public procurement requirements.
 | [ ]  | [ ]  | [ ]  |
| 1. If applicable, any amendment of the contract is in line with the relevant public procurement rules without any relevant impact on the validity of the initial procurement procedure.

*(Only in case a contract amendment/extension has been issued)* | [ ]  | [ ]  | [ ]  |
| 1. The decision not to carry out a procurement procedure is justified and documented.

*(In case no procurement procedure was carried out)* | [ ]  | [ ]  | [ ]  |
| 1. Contract(s) is/are in line with the selected offer(s).
 | [ ]  | [ ]  | [ ]  |

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| **Results, comments, recommendations, points to follow-up (if any).** *NOTE: deductions (if any) are allocated to the relevant budget lines* |
|  |

5.d. Contracting amounts above the threshold set by the applicable EU or national rules *(for institutions not falling under the scope of application of the public procurement laws – to be duplicated and filled in for each contract)*

|  |  |
| --- | --- |
| Title of the procurement  |  |
| Name of contractor  |  |
| The value of the procured, works, goods or services is above the EU threshold.  | [ ]  yes | [ ]  no |
| Type of tender  | [ ]  works | [ ]  services  | [ ]  supply |
| Procurement procedure chosen (open, restricted, negotiated, direct contracting, etc.).  |  |
| Channels/means chosen for publication  |  |
| Verifications  | Confirmed  |
| Yes | No | n.a. |
| 1. The competitive procedure followed by the beneficiary is comparable to the applicable EU or national public procurement norms.

*(refer to the fact-sheet “Purchase form for the procurement of goods and services by beneficiaries not falling under the scope of the public procurement laws” available on the programme website)* | [ ]  | [ ]  | [ ]  |
| 1. Full documentation of the procurement procedure is available (including the purchase form). (In case documentation is not required, please tick n.a. and provide an explanation in the comments section).

*(e.g. initial cost estimation; publication notice; TORs; offers/quotes; evaluation/selection report; acceptance/rejection information; complaints; contract etc.)* | [ ]  | [ ]  | [ ]  |
| 1. There is no evidence of artificial splitting of the contract objective/value in order to avoid different procurement procedures.
 | [ ]  | [ ]  | [ ]  |
| 1. Contract(s) is/are in line with the selected offer(s).
 | [ ]  | [ ]  | [ ]  |

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| --- |
| **Results, comments, recommendations, points to follow-up (if any).** *NOTE: deductions (if any) are allocated to the relevant budget lines.* |
|  |