**(INTERREG VI-B) NEXT Black Sea Basin Programme**

**Annex 5.3:**

**Control check-list for estimated value procurement up to 20 000 euro according to the Financial Regulation**

**Template of control check-list for estimated value procurement up to 20 000 euro**

**according to the Financial Regulation**

|  |
| --- |
| **Audit firm/Public officer organisation responsible for issuing the control report:** |

|  |  |  |
| --- | --- | --- |
| **Project ID in Jems:** | | |
| **Project Title:** | | |
| **Report no.:** | | |
| **Reporting period:** from*dd Month yyyy*to*dd Month yyyy* | | |
| **Name of the Lead Partner / Partner:** | | |
| **Role of the Partner in the project:** | **Lead Partner** | **Project Partner** |

|  |
| --- |
|  |
| **Date:** |
| **Name of the Controller (auditor/public officer(s)[[1]](#footnote-1):** |
| **Signature(s):** |

Guide to controllers: Public procurements must receive special attention on the side of controllers.

The verifications below supplement Section VI – *Public Procurement* of Annex 5.1 – *Control check-list* of the Guide for control.

Where relevant, the controllers should fill in the column “Comments” with observations made during the control.

**This section is repeated (duplicated) for each public procurement**.

Estimated valuepurchases up to the amount for the payment against invoice (2 500 euro according to FR) do not require this table.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Title of the procurement – if applicable |  | | | |
| Estimated value of the procurement (without VAT) |  | | | |
| No. and date of the contract |  | | | |
| Name of contractor |  | |  | |
| Value of the contract (without VAT) |  | |  | |
| The type of tender | works | services | | supply |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Checks** | **Yes/No/**  **N.A.** | **Comments** |
| a | The type of procedure was chosen correctly, depending on:  - estimated value  - the nature of the contract (services, supplies, works)? |  | *point 38.2 of Annex I, art. 162 of Financial Regulation (FR) (points 2, 5.2 of Annex II to Financing Agreement - FA)* |
| b | Has the contracting authority not artificially split the contract into several distinct, lower-value contracts in order to avoid the application of a higher procedure? |  | *art. 160.2 of FR (point 1.2 Annex II FA)*  *To be verified in the Grant Contract – the description of the activities and resources required.* |
| c | If appropriate, has the contracting authority divided the contract into lots? |  | *art. 160.2 of FR (point 1.2 Annex II FA)*  *In case the contracting authority has not divided the contract into lots, justification for not dividing into lots is provided?* |
| d | Were the procurement documents (invitation to tender, tender specifications, draft contract) communicated to the economic operators? |  | *art. 163, points 16, 25 of Annex I of FR (points 3, 14, 15 Annex II FA)*  *Check that the procurement documents have been communicated.*  *Please fill in the date of the communication.* |
| e | Exclusion and selection criteria – declaration signed by the tenderer is requested? |  | *point 18 of Annex I of FR (point 18 Annex II FA)*  *For very low value procurement contracts (with an estimated value up to 15 000 EUR), the contracting authority may waive the requirement for a declaration.* |
| f | Evidence (supporting documents) for the selection criteria was requested? |  | *points 18.2, 18.5 of Annex I of FR (point 18.5 Annex II FA)*  *For procedures below the thresholds for publication in the Official Journal of the European Union and for certain cases of negotiated procedure without prior publication of a contract notice, the contracting authority may waive this requirement, depending on its assessment of risks and on condition that no pre-financing is made except in duly justified cases.*  *For procedures below 15 000 EUR, the contracting authority may waive this requirement.* |
| g | Are the technical specifications and the award criteria clear, relevant to the subject matter of the contract, not restrictive and not discriminatory? |  | *art. 166.2 and point 17.1, 17.2, 17.8 of Annex I of FR (points 12.2, 16 Annex II FA)*  *Check the description in the procurement documents.*  *Examples to check whether the specified criteria are not restrictive / discriminatory: Did they avoid setting national standards without recognising the possibility for equivalent standards? Were any unjustified references to a specific make or source, a particular process, trademark, patent, type, without using the quote “or equivalent”, or specific origin or production excluded from the technical specifications, thereby preventing the contracting authority from favouring or eliminating specific economic operators or products?* |
| h | Was the evaluation report approved by the contracting authority? |  | *art. 170.1, points 30.3 of Annex I of FR (points 26.3 Annex II FA)*  *The approval of the evaluation report by the contracting authority representative is verified.*  *Please fill in the number and date of the evaluation report.* |
| i | The contract was signed and dated with the successful tenderer, and the successful tender is found unchanged in the content of the concluded contract |  | *It is verified the consistency with the name of the successful tenderer, the object of the purchase, the price and the characteristics specified in the successful tender.*  *Please fill in the number and date of the contract and the name of the successful tenderer.* |
| j | The reporting / reception documents of the purchased supplies / services / works are approved by the contracting authority? |  | *It is verified the existence of the reporting documents, reception of the purchased supplies / services / works, as the case may be, and the existence of their approval by the contracting authority.*  *Please fill in the number and date of the reporting / reception documents.* |
| k | In case addenda to the initial contract were signed, they do not alter the essential elements of the contract? |  | *Check whether there are unsubstantiated changes to contracts.*  *It is verified that the addenda do not contain clauses that affect the conditions of tender.*  *Please fill in the number and date of the addendum.* |
| **5** | **CONCLUSIONS OF THE VERIFICATION** | | |
|  | ***NOTE:*** *All the above deviations and any other relevant aspects will be mentioned.*  *The following shall be mentioned:*  -     *Violated provisions of the regulations on public procurement*  -     *The method of violation of the mentioned provisions (detailed description, indicating the document/documents involved (number, date)* | | |
| **6** | **REMEDIAL / CORRECTIVE MEASURES APPLIED** | | |
|  | ***NOTE:*** *Indicate the measures and financial reductions that apply!*  *The following shall be mentioned:*  -     *Reference to the provisions of Commission Decision no. C(2019) 3452 of 14.05.2019 or to the national legislation transposing the Commission Decision no. C(2019) 3452 of 14.05.2019*  -     *Level of corresponding percentage reduction.* | | |

1. Name of the person(s) who performed the verification [↑](#footnote-ref-1)