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

**Annex 5.2:**

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

**Template of control check-list for estimated value procurement over 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**.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 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** |
| **1** | **PLANNING OF THE PROCEDURE** |  |  |
| a | Does the object of the acquisition correspond to the activities provided for in the grant contract? |  | *To be verified in the Grant Contract – the description of the activities and resources required.* |
| b | 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 Annex II FA)*  *It shall be checked that the thresholds specified in point 38 of Annex I of FR (point 5 of Annex II to Financing Agreement - FA) are met.* |
| c | If negotiated procedures were used, did the contracting authority give sufficient and reasonable reasons for choosing its option? |  | *points 11, 12.1(b), 39 of Annex I of FR (points 6-8 Annex II FA).* |
| d | 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.* |
| e | 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 in the procurement file?* |
| **2** | **IMPLEMENTATION OF THE PROCEDURE** |  |  |
| **2.1** | **Procurement documents** | | |
| a | Were the procurement documents (contract notice/invitation to tender, tender specifications, draft contract) published / communicated to the economic operators? |  | *art. 163, point 16, 25 of Annex I of FR (points 3, 14, 15 Annex II FA)*  *Check that the contract notice has been published in the media according to art. 163 of FR (point 3 Annex II FA).*  *Check that the invitation to tender has been communicated.*  *Please fill in the date of publication / communication of procurement documents.* |
| b | In the case of the simplified procedure, has the contracting authority consulted at least three economic operators of its choice? |  | *The selection of potential economic operators (according to point 38.5 of Annex I of FR (point 5.5 Annex II FA)) shall be verified.* |
| c | The time limits were appropriate between the invitation to tender/contract notice and the closing date for the submission of tenders/applications? |  | *art. 168.1, point 41 of Annex I of FR (points 22, 24.1 Annex II FA)*  *Check that the deadlines set out in point 41 of Annex I of FR (point 22 Annex II FA) have been met.* |
| d | Have the clarifications to the procurement documents been published / transmitted to tenderers? |  | *It is checked that the clarifications have been published / sent to all tenderers.* |
| e | Was the change in the information contained in the procurement documents published or communicated to the participants before the deadline for submission of tenders? |  |  |
| f | Exclusion and selection criteria – declaration signed by the tenderer is requested? |  | *point 18 of Annex I of FR (point 18 Annex II FA)* |
| g | 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.* |
| h | Are the selection criteria clear, related and proportionate to the subject matter of the contract, not restrictive and not discriminatory? |  | *art. 166.2, 167.2 and points 18.2, 18.3, 19, 20 of Annex I of FR (points 12.2, 17.2, 18.2, 18.3, 19, 20 Annex II FA)*  *Check whether the specified criteria are restrictive/ discriminatory.* |
| i | Are the selection criteria different from the award criteria? |  | *art. 167.2, 167.3 of FR (points 17.2, 17.3 Annex II FA)* |
| j | Are the technical specifications and the award criteria clear, relevant to the subject matter and complexity 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?* |
| k | In case the award criterion is the best price-quality ratio, is the method for determining the score for the evaluation of tenders (including the determination of the final score) clearly and completely set out in the procurement documents? |  | *point 21 of Annex I of FR (point 21 Annex II FA)* |
| **2.2** | **Evaluation committee and avoidance of conflict of interest** | | |
| a | Has the contracting authority appointed an evaluation committee? |  | *art. 150.2, 168.5 of FR (point 24.9, 26.4.c Annex II FA)*  *The decision to appoint the evaluation committee shall be verified; fill in the number and date of the document.* |
| b | Is the number of members in line with the requirements set out in the Financial Regulation (at least three persons)? |  | *art. 150.2 of FR* |
| c | Have the members of the evaluation committee signed declarations of impartiality and confidentiality prior to carrying out any task related to the evaluation? |  | *art. 20 of the grant contract, art. 167.1 of FR (point 17.1 Annex II FA)*  *Verification of the existence of the declarations of impartiality and confidentiality of the appointed members of the evaluation committee and that they have been signed and dated* |
| **2.3** | **Selection and evaluation process** | | |
| a | Did the contracting authority only assess tenders submitted within the time limit? |  | *art. 168.3, point 12.2.b of Annex I of FR (points 24.3, 24.4.b Annex II FA)*  *Please fill in the time limit of the submission of tenders and the date(s) of tender(s) submission.* |
| b | Were the selection criteria set out in the procurement documents applied? |  | *art. 160.1, 167, 168.4 of FR (points 1.1, 17, 24.8 Annex II FA)*  *It shall be verified, on the basis of the information completed in the evaluation report, whether the tenders were evaluated on the basis of the selection criteria set out in the procurement documents.* |
| c | Have the award criteria set out at the level of the procurement documents been applied in the evaluation of the tenders? |  | *art. 160.1, 167, 168.4 of FR (points 1.1, 17, 24.8 Annex II FA)*  *It shall be verified, on the basis of the information completed in the evaluation report, whether the tenders were evaluated on the basis of the award criteria set out in the procurement documents.* |
| d | Have the minimum requirements from the technical specifications been applied in the evaluation of the tenders? |  | *art. 160.1, 167, 168.6 of FR (points 1.1, 17, 24.10 Annex II FA)*  *Check that the non-compliance with the minimum requirements from the technical specifications leads to the rejection of the tenders.* |
| e | There are clear justifications explaining the reasons which led to the rejection of tenders? |  | *point 30.2 of Annex I of FR (point 26.2 Annex II FA)*  *Check that there are clear justifications explaining the reasons which led to the rejection of tenders.* |
| f | Where applicable, was the calculation method for determining the final score properly used in the evaluation? |  | *art. 160.1, 167, 168.4 of FR (points 1.1, 17, 24.8 Annex II FA)*  *Check that the calculation method has been correctly applied.* |
| g | Were any abnormally low tenders rejected only after clarifications were requested? |  | *point 23 of Annex I of FR (point 25 Annex II FA)*  *It is checked that tenders that appeared to be abnormally low were not rejected without a prior request for clarification.* |
| h | In case of changes made to the successful tender, they relate only to the correction of any formal defects / minor technical deviations / arithmetic errors? |  | *art. 169.2, 151 of FR (point 23.2 Annex II FA)*  *It is verified whether, during the evaluation of the tenders, changes have been made to the technical and/or financial offers based on the clarifications and answers of the successful tenderer.* |
| i | Did all the members of the evaluation committee sign the evaluation report? |  | *point 30.1 of Annex I of FR (point 26.1 Annex II FA)*  *The signatures of the evaluation committee are verified in the evaluation report.*  *Please fill in the number and date of the evaluation report.* |
| j | 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.* |
| **3** | **AWARD OF THE CONTRACT** | | |
| **3.1** | **Notifying the outcome of the procedure** | | |
| a | The economic operators involved in the procedure were informed about the result of the selection, about the result of the award of the public procurement contract or, as the case may be, about the cancellation of the award procedure? |  | *art. 170, 171, point 31 of Annex I of FR (points 27, 28 Annex II FA)*  *The notifications sent to the successful tenderer and the unsuccessful tenderers are checked, including evidentiary documents of the transmission.* |
| b | Was the standstill period respected? |  | *points 35, 36 of Annex I, art. 178.1 of FR (points 27.1, 29 Annex II FA)*  *It is verified the standstill period of 10 days when using electronic means of communication and 15 days when using other means.* |
| **3.2** | **Conclusion of the contract** | | |
| a | In case of procedures above the thresholds for publication in the Official Journal of the European Union - Did the successful tenderer submit the evidence (supporting documents) to prove that it fulfils the selection criteria? |  | *points 18.4, 18.5 of Annex I of FR (point 18.4, 18.5 Annex II FA)* |
| b | 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 contract, 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.* |
| **3.3** | **Award notice** | | |
| a | Has an award notice been published? |  | *art. 163, point 5 of Annex I of FR (point 3 Annex II FA)*  *Check whether the award notice has been published in the media.*  *Please fill in the number and date of the award notice.* |
| b | Was the award notice completedwith the correct data taken from the evaluation report? |  | *art. 163, point 5 of Annex I of FR (point 3 Annex II FA)*  *Check the content of the award notice against the evaluation report.* |
| **4** | **PERFORMANCE OF THE CONTRACT** | | |
| a | The reporting / reception documents of the contracted supplies / services / works are approved by the contracting authority? |  | *It is verified the existence of the reporting documents, reception of the contracted 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.* |
| b | In case addenda to the initial contract were signed, they do not alter the essential elements of the contract? |  | *art. 172 of FR (point 30 Annex II FA)*  *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.* |
| c | In case of the need for additional/ complementary works / supplies / services to the concluded contract, was a new procurement procedure organized?  If not, did the contracting authority give sufficient and reasonable reasons? |  | *art. 172.2, 173.3 of FR (points 30.2, 30.3 Annex II FA)*  *If there is the case, please provide brief details about the option used by the contracting authority.* |
| **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)