JOINT OPERATIONAL PROGRAMME BLACK SEA BASIN 2014-2020

Annex 5.1: Control check-list for procurement over 20 000 euro according to PRAG (Procurement and grants for European Union external actions)

Expenditure and revenue verification

# Template of control check-list for procurement **over 20 000 euro**

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| --- |
| **Audit firm/Public officer organisation responsible for issuing the expenditure and revenue verification report:** |

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| --- | --- | --- |
| **Project Code:** | | |
| **Project Title:** | | |
| **Reporting period:** from*dd Month yyyy*to*dd Month yyyy* | | |
| **Name of the Lead Beneficiary/Beneficiary:** | | |
| **Role of the beneficiary in the project:** | **Lead beneficiary** | **Project Beneficiary** |
|  | | |
| **Request for examination:** | **Date of request for examination:**  *dd Month yyyy* | |
| **General remarks of the Controller (auditor/public officer) (if any):** | | |

|  |
| --- |
|  |
| **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 are the minimum ones and supplement Section VI – Public Procurement of Annex 5 - Control check-list of Instruction 15.

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

Purchases up to the amount for the payment against invoice (e.g. 2,500 euro according to PRAG 2020) do not require this table.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Title of the procurement – if applicable |  | | | |
| 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)? |  | *It shall be checked that the thresholds specified in art. 53-55 of ENI CBC IR[[2]](#footnote-2) and of Section 2.6.1 of PRAG[[3]](#footnote-3) are met* |
| c | If negotiated procedures were used, did the contracting authority give sufficient and reasonable reasons for choosing its option? |  | *explanations in Sections 2.6.8, 3.3.5.1, 4.2.6.1 and 5.2.5.1 of PRAG* |
| d | Has the contracting authority not divided the contract into several distinct, lower-value contracts in order to avoid the application of a higher procedure? |  | *To be verified in the Grant Contract – the description of the activities and resources required* |
| **2** | **IMPLEMENTATION OF THE PROCEDURE** |  |  |
| **2.1** | **Publicity** | | |
| a | A contract notice has been published (in case of procedure equal to or above the publication threshold) or an invitation to tender has been communicated? |  | *Check that the contract notice has been published in the media according to ENI CBC IR, PRAG and art. 9 of Grant Contract (submission to the Joint Technical Secretariat).*  *Check that the invitation to tender has been communicated.* |
| b | In the case of the simplified procedure, has the contracting authority consulted at least three economic operators? |  | *The selection of potential economic operators (according to Articles 53 (2), 54 (3), 55 (3) of Regulation No 897/2014) shall be verified.*  *PRAG 3.5.2, 4.5, 5.6* |
| c | The time limits where appropriate between the invitation to tender/contract notice and the closing date for the submission of tenders/applications? |  | *Check that the deadlines set out in the PRAG have been met.* |
| d | Were the selection and award criteria and the terms of reference / technical specifications published / communicated to the economic operators? |  |  |
| e | Have the clarifications to the tender dossier been published / transmitted to tenderers? |  | *It is checked that the clarifications have been published / sent to all tenderers.* |
| f | Was the change in the information contained in the invitation to tender/contract notice/tender dossier published or communicated to the participants before the deadline for submission of tenders? |  |  |
| **2.2** | **Exclusion and selection criteria** | | |
| a | Exclusion criteria – declaration signed by the tenderer is requested? - for procurement contracts with a value of 15,000€ or less, the contracting authority may waive the requirement for a declaration depending on its risk assessment |  | *explanations in Section 2.6.10.1 of PRAG* |
| b | Are the selection criteria clear, relevant to the subject matter and complexity of the contract, not restrictive and not discriminatory? |  | *It is verified if there is correlation between the information contained in the invitation to tender / contract notice / tender dossier – instructions to tenderers, technical specifications, terms of reference; check whether the specified criteria are restrictive/ discriminatory* |
| c | Are the selection criteria different from the award criteria? |  | *explanations in Section 2.6.11.5 of PRAG* |
| **2.3** | **Terms of reference / technical specifications and award criteria** | | |
| a | Are the terms of reference / technical specifications and the award criteria clear, relevant to the subject matter and complexity of the contract, not restrictive and not discriminatory? |  | *Check the description in the tender dossier*  *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 undertakings or products?* |
| b | In case the award criteria 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 instructions to tenderers? |  | *Sections 2.6.11.4, 3.4.4 of PRAG 2020*  *Sections 4.3.3.3, 5.3.3 of PRAG 2020* |
| **2.4** | **Evaluation committee and avoidance of conflict of interest** | | |
| a | Has the contracting authority appointed an evaluation committee? |  | *The decision to appoint the evaluation committee shall be verified; fill in the number and date of the document.* |
| b | Are the technical and administrative capacity of the evaluation committee and the number of members in line with the requirements set out in ENI CBC IR and PRAG? |  | *The consistency of the capacity and the number of members of the evaluation committee with the provisions of ENI CBC IR and PRAG is checked, depending on the type of procedure* |
| c | Have the members of the evaluation committee (and any observers) signed declarations of impartiality and confidentiality prior to carrying out any task related to the evaluation? |  | *Verification of the existence of the declarations of impartiality and confidentiality of the appointed members of the evaluation committee (and any observers) and that they have been signed and dated* |
| **2.5** | **Selection and evaluation process** | | |
| a | Did the contracting authority only assess tenders submitted within the time limit? |  |  |
| b | Were the selection criteria set out in the invitation to tender/contract notice applied? |  | *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 contract notice/invitation to tender.* |
| c | Have the award criteria set out at the level of the invitation to tender/contract notice been applied in the evaluation of the tenders? |  | *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 invitation to tender/contract notice.* |
| d | Have the minimum requirements from the terms of reference / technical specifications set out in the tender dossier been applied in the evaluation of the tenders? |  | *Check that the non-compliance with the minimum requirements from the terms of reference / technical specifications leads to the rejection of the tenders.* |
| e | There are clear justifications explaining the reasons which led to the rejection of tenders? |  | *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? |  | *Check that the calculation method has been correctly applied.* |
| g | Were any abnormally low tenders rejected only after clarifications were requested? |  | *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? |  | *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 the chairperson and all the members of the evaluation committee sign the evaluation report? |  | *The signatures of the evaluation committee are verified in the evaluation report* |
| j | Was the evaluation report approved by the contracting authority? |  | *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? |  | *The notifications sent to the successful tenderer and the unsuccessful tenderers are checked, including evidentiary documents of the transmission* |
| b | Have appeals been filed for the procurement procedure?  If a tenderer submitted a complaint or appeal to the contracting authority or other relevant body, did the contracting authority treat the complaint in a transparent and documented way? |  | *The settlement of the appeal are verified* |
| **3.2** | **Conclusion of the contract** | | |
| a | Did the successful tenderer submit the supporting documents to prove that the economic operator does not fall under any of the exclusion situations listed in Section 2.6.10.1 of PRAG before signing the contract and that those documents are attached to the contract? – in case of contract values below the thresholds for international publication, the contracting authority decided in the tender documents which of the exclusion situations should be confirmed by documentary evidence |  | *It is verified the existence of copies of the supporting documents submitted by the successful tenderer, if the case* |
| 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* |
| **3.3** | **Award notice** | | |
| a | Has an award notice been published? |  | *Check whether the award notice has been published in the media according with PRAG* |
| b | Was the award notice completedwith the correct data taken from the evaluation report? |  | *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 copies 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* |
| b | In case addenda to the initial contract were signed, they do not alter the essential elements of the contract? |  | *Check that there are unsubstantiated changes to contracts.*  *It is verified that the addenda do not contain clauses that affect the conditions of tender* |
| 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? |  | *explanations in Section 2.11.1 of PRAG* |
| **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:*  -     *Compliance with the provisions of 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)
2. Regulation (EU) no. 897/2014 [↑](#footnote-ref-2)
3. The references are to the PRAG 2020. In case another version applies, the references need to be rechecked. [↑](#footnote-ref-3)