



Case study on the lead partner responsibilities: control report incl. checklist

1) Example section 5 – no FLC correction

5. Public Procurement					
	Control question	Yes	No	N/A	Comments/Follow-up
5.1	<p>Has the controlled organisation observed European, programme, national, regional and internal public procurement rules?</p> <p><i>Indicate in the comments section:</i></p> <ul style="list-style-type: none"> <i>The relevant threshold</i> <i>The procedure (open, restricted, negotiated, direct contracting, bid-at-three rule etc.)</i> <i>Degree of publicity/media applying to this threshold</i> <i>A conclusion about the adequacy of the procedure</i> <p><i>Pay particular attention to contracts awarded below the EU-threshold and especially to contracts that are awarded directly.</i></p>	x			<p>Contract P02-01 and P02-02:</p> <ul style="list-style-type: none"> <€25,000 Request of 3 offers Procedure respected <p>Contract P02-03:</p> <ul style="list-style-type: none"> <€50,000 Open procedure Published on website of the city Procedure respected <p>Contract P02-04:</p> <ul style="list-style-type: none"> <€90,000 Open procedure Published on BOAMP Procedure respected
5.2	<p>Have the principles of transparency, non-discrimination, equal treatment and effective competition been respected, also for items below the EU threshold?</p> <p><i>Transparency rules are outlined in the Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the public procurement directives (2006/C179/02).</i></p>	x			
5.3	<p>Is full documentation of the procurement procedure available?</p> <p>It usually includes the following:</p> <ul style="list-style-type: none"> Initial cost estimate made by the project partner to identify the applicable public procurement procedure Request for offers or procurement publication / notice Terms of reference Offers/quotes received Report on assessment of bids (evaluation/selection report) Information on acceptance and rejection (notification of bidders) Contract including any amendments 	x			



	<i>In case documentation is not required, please tick n/a and provide an explanation in the comments section to the right.</i>				
5.4	Are the contracts in line with the selected offers?	x			
5.5	Has there been no artificial splitting of the contract objective/value in order to avoid public procurement requirements?	x			
5.6	If a contract was amended or extended, has the change been only minor without changing the overall objective, content and economy of the tender and laid down in writing adequately? Has this change been legal without any impact on the validity of the initial tender procedure?			x	Contract was not amended or extended
5.7	<i>For tenders:</i> Were the evaluation and award decisions properly documented and justified (e.g. evaluation and award decisions are properly documented and appropriate selection and award criteria have been applied to all received offers in a consistent way and as published in advance and no new criteria were added)?	x			
5.8	<i>For direct awards because of</i> <ul style="list-style-type: none"> - <i>Urgency:</i> is it proven that the urgency is due to unforeseeable circumstances? - <i>Technical/exclusivity reasons:</i> is it ruled out (based on objective evidence) that any other supplier is capable of providing the services? 			x	No direct award
5.9	Have invoices been issued and payments been done in respect of the procurement budget and the amounts fixed in the contract/the accepted offer (global price, unit prices)?	x			
5.10	General comments, recommendations, points to follow-up:	N/A			



2) Example section 5 – FLC correction

5. Public Procurement					
	Control question	Yes	No	N/A	Comments/Follow-up
5.11	<p>Has the controlled organisation observed European, programme, national, regional and internal public procurement rules?</p> <p><i>Indicate in the comments section:</i></p> <ul style="list-style-type: none"> • The relevant threshold • The procedure (open, restricted, negotiated, direct contracting, bid-at-three rule etc.) • Degree of publicity/media applying to this threshold • A conclusion about the adequacy of the procedure <p><i>Pay particular attention to contracts awarded below the EU-threshold and especially to contracts that are awarded directly.</i></p>		x		<p>Contract P02-01 and P02-02:</p> <ul style="list-style-type: none"> - <€25,000 - Request of 3 offers - Procedure respected <p>Contract P02-03:</p> <ul style="list-style-type: none"> - <€50,000 - Direct award - Procedure not respected: Open procedure should have been applied - Ineligible item removed <p>Contract P02-04:</p> <ul style="list-style-type: none"> - <€90,000 - Open procedure - Published on BOAMP - Procedure respected
5.12	<p>Have the principles of transparency, non-discrimination, equal treatment and effective competition been respected, also for items below the EU threshold?</p> <p><i>Transparency rules are outlined in the Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the public procurement directives (2006/C179/02).</i></p>		x		For contract P02-03, procedure was not respected
5.13	<p>Is full documentation of the procurement procedure available?</p> <p>It usually includes the following:</p> <ul style="list-style-type: none"> - Initial cost estimate made by the project partner to identify the applicable public procurement procedure - Request for offers or procurement publication / notice - Terms of reference - Offers/quotes received - Report on assessment of bids (evaluation/selection report) - Information on acceptance and rejection (notification of bidders) - Contract including any amendments <p><i>In case documentation is not required, please tick n/a and provide an explanation in the comments section to the right.</i></p>		x		Not available for contract P02-03, since procedure was not respected
5.14	Are the contracts in line with the selected offers?	x			Yes for contracts P02-01, P02-02 and P02-04
5.15	Has there been no artificial splitting of the contract	x			



	objective/value in order to avoid public procurement requirements?				
5.16	If a contract was amended or extended, has the change been only minor without changing the overall objective, content and economy of the tender and laid down in writing adequately? Has this change been legal without any impact on the validity of the initial tender procedure?			x	Contract was not amended or extended
5.17	<i>For tenders:</i> Were the evaluation and award decisions properly documented and justified (e.g. evaluation and award decisions are properly documented and appropriate selection and award criteria have been applied to all received offers in a consistent way and as published in advance and no new criteria were added)?		x		For contract P02-03, procedure was not respected
5.18	<i>For direct awards because of</i> - <i>Urgency:</i> is it proven that the urgency is due to unforeseeable circumstances? - <i>Technical/exclusivity reasons:</i> is it ruled out (based on objective evidence) that any other supplier is capable of providing the services?		x		Direct award for contracts P02-03 not justified by urgency or technical/exclusivity reasons
5.19	Have invoices been issued and payments been done in respect of the procurement budget and the amounts fixed in the contract/the accepted offer (global price, unit prices)?	x			Yes for contracts P02-01, P02-02 and P02-04
5.20	General comments, recommendations, points to follow-up:	The procedure for awarding contract P02-03 was not respected. The direct award was not justified. Ineligible item was removed.			