

ATTACHMENT 3

Procurement Policy and Procedures for BEST 2.0 Grant Recipients

1. PURPOSE

Prior to undertaking any purchases of goods or services with Grant funds, grant recipients are required to have institutional procurement policies in effect that are substantially at least as stringent as those listed below.

The specific procurement procedures listed in section 3 are **applicable to all goods/services procured** with BEST 2.0 funds, and **must be followed in all cases.**

2. POLICY

If the implementation of an Action requires procurement by the Beneficiary(ies), the contract must be awarded to the tender offering best value for money (i.e. the tender offering the best price-quality ratio), or, in case of work or supply contracts not involving after-sales service, to the tender offering the lowest price.

Contracts must be awarded in accordance with procurement rules and procedures:

- (a) ensuring sufficient transparency, fair competition and adequate ex-ante publicity;
- (b) ensuring equal treatment, proportionality and non-discrimination;
- (c) avoiding conflicts of interests throughout the entire procurement procedure.

Contracts must not be split artificially to circumvent procurement thresholds.

To this end, the rules set out in section 3 below must be followed. These lay down the minimum procedures to be followed and it is not precluded that other procedures offering more competition are used.

All purchases of services from individuals, companies or organizations, must be made on the basis of a written contract which must set forth in detail the relevant terms of the contract including, without limitation, the proposed scope of work, deliverables, amounts and terms of payment, timelines and the Parties' relative responsibilities and liabilities for non-performance.

Grant recipients must ensure that adequate insurance is obtained for the replacement value of any equipment purchased.

The nationality rule. Participation in tender procedures managed by the Grantee is open on equal terms to all natural and legal persons effectively established in an EU Member State or a country, territory or region mentioned as eligible by the relevant regulation/basic act governing the eligibility rules for the grant. Tenderers must state their nationality in their tenders and provide the usual proof of nationality under their national legislation. This rule does not apply to the experts proposed under service tenders financed by the grant.

The rule of origin. If the basic act or the other applicable instruments so require, the tenderer must prove the origin of the supplies acquired under the grant. Where rules of origin need to be respected and the unit cost on purchase is above EUR 100,000, contractors must present proof of origin to the Grantee at the latest when the first invoice is presented. The certificate of origin must be made out by the competent authorities of the country of origin of the supplies and must comply with the rules laid down by the relevant European Union legislation. Where supplies may originate from any country, no certificate of origin needs to be submitted.

3. PROCUREMENT PROCEDURES

a. Purchase contracts for goods and services with a value equal to or less than 19,999

Purchases of goods and services with a total contractual value of less than EUR 20,000 may be made through “single sourcing”.

- Competitive bids are not required.
- Research should be made of available suppliers and the procurement decision should ensure best value for money.
- The procurement decision must be documented.
- Competitive bidding should be considered where the benefits of competitive tendering in terms of price and quality are likely to outweigh the costs of the tendering exercise.
- A record of activities carried out to ensure value for money must be kept on file.

b. Purchase contracts for goods and services with a value between EUR 20,000 to 39,999

Purchases of goods and services with a total contractual value equal to or more than EUR 20,000 but less than or equal to EUR 39,999 must be based on written quotations received from at least three potential suppliers. Quotations must include the price, the description and quantity of the goods, as well as the delivery time and place.

Grant recipients are advised to initially request more than three quotations and document the evaluation and selection process.

The evaluation and comparison of the quotes and the selection of the “best value for money” contract must be documented.

c. Purchases of goods and services with a value of EUR 40,000 or above

Purchases of goods and services with a cost equal to or above EUR 40,000 are subject to special competitive bidding procedures. Such purchases are only allowed with separate written authorization from the BEST 2.0 Secretariat (IUCN).

- Where authorisation is granted the following competitive bidding procedure must be followed.
 - Issuing a Request for Proposal (RFP): a written document that includes all the relevant information and is issued to all the bidders. It is not enough to get 3 ‘quotes’ from potential contractors without first issuing them with the exact requirements (e.g. Terms of Reference) and conditions for submitting proposals.
 - In addition to detailing the services or specification of the goods/services sought the RFP must specify the evaluation criteria (technical and financial) and scoring that will be used to assess the offers received and select the successful proposal.
 - The RFP can be sent directly to a number of suppliers selected by the Purchaser (although it can also be advertised through relevant media).

- The selection of potential suppliers shall be made according to the criteria detailed in the RFP (e.g. the experience of the supplier in providing the required/similar goods or service, the ability of the supplier to deliver within the required timelines, and the reliability and technical capacity of the supplier).
- A **minimum of 3 proposals** received that meet the basic requirements is mandatory. Proposals should be signed.
- The evaluation of proposals must never be done by a single individual but instead by an evaluation panel of **at least 2** evaluators.
- Members of the evaluation panel need to sign a declaration that they have no conflict of interest with regards to the procurement and the bidders.
- The Approving Officer, i.e. the officer with delegated authority to sign the contract, has the responsibility to verify that the procurement policy has been duly followed.

4. MIS-PROCUREMENT

BEST 2.0 does not finance procurement undertaken by grant recipients when it is concluded by the BEST 2.0 auditors that mis-procurement has occurred.

Mis-procurement is deemed to have occurred if:

- (a) The procurement contract was not awarded in accordance with the provisions of the Grant Agreement;
- (b) The procurement contract was not awarded to the bidder, who otherwise would have won the tender, due to dilatory or other unjustifiable conduct by the grant recipient, resulting in the successful bid no longer being valid or available;
- (c) The most competitive bid was rejected on unjustifiable grounds; or
- (d) The award of the procurement contract was a result of fraud, corruption or other unlawful or unethical conduct.

In such cases, whether under prior or post review the portion of the grant allocated for the goods, works, or services that have been mis-procured can be cancelled.

IUCN may, in addition, exercise all other remedies available to it under the Grant Agreement and/or under applicable law.