**Checklist for audit of procurements –
- private beneficiaries from Russian Federation who apply rules from Annex II to Financing Agreement**

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| ***Private beneficiaries from the Russian Federation are obliged to apply the procurement and competition rules set out in Annex II to the Financing Agreement concluded between the European Commission and the government of the Russian Federation. In addition, these rules applicable to the above-mentioned beneficiaries are included in the Program Manual - part I Applicant in chapter 6.4.3.2.*** |

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| 1. ***Project number::***
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| 1. ***Beneficiary:***
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| 1. ***Beneficiary's address:***
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| 1. ***Name of purchase***
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| 1. ***Type of order:***
 | [ ]  *services [ ]  supplies [ ]  construction works* |
| 1. ***Estimated order value in EUR (without VAT):***
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| 1. ***Name of procedure applied:***
 | [ ]  Negotiated procedure on the basis of a single tender[ ]  Competitive negotiated procedure without publication[ ]  Open tender procedure published in the Programme area[ ]  International open tender procedure [ ]  International restricted tender procedure [ ]  Other:………………………………….. *(please name the procedure)* |
| 1. ***Dates of the procurement procedure start and contract signature, contract number***
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| 1. ***Audit type (at the location of the Beneficiary/desk-based):***
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| --- | --- | --- | --- |
| **Pytania** | **Tak** | **Nie** | **Uwagi** |
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| 10 | Did the Beneficiary provide all documents required for the audit of the particular procurement? |  |  |  |
| 11 | Were the presented documents certified by the Beneficiary's authorized person? |  |  |  |
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| 12 | Was the order type correctly identified? (rendering of services, supply of goods, construction works) |  |  |  |
| 13 | Was the procurement procedure correctly identified? |  |  |  |
| 14 | Was the value of order correctly estimated? (for example a document stating the basis for estimation of the order value is available) |  |  |  |
| 15 | In case the procurement procedure is conducted in the national currency was there an appropriate exchange rate used to convert the value of order into EUR? (the exchange rate of the InforEuro published on http://ec.europa.eu/budget/inforeuro/ of the month in which the procurement procedure is announced) |  |  |  |
| 16 | Was there no unjustified split of procurement into separate procurement procedures artificially in order to avoid the binding thresholds?  |  |  |  |
| 17 | Have the Evaluation Committee an odd number of members (at least three) with all the technical and administrative capacities necessary to give an informed opinion on the tenders/applications? *(applicable in case of procurement procedures of value above EUR 60 000)* |  |  |  |
| 18 | Have all Evaluation Committee members and/or the beneficiary signed separate Declaration of impartiality and confidentiality in accordance with Annex II to General Rules. (N/a in case of procurements below EUR 3000) *(Note: it is recommended to verify veracity of those Declarations at least in generally available databases)* |  |  |  |
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| 19 | Were there selection and award criteria published by the beneficiary in advance in the tender documents?*(applies to contracts of value above EUR 60 000)* |  |  |  |
| 20 | Were there the procurement documentation drafted according to best international practice? *(applies to contracts of value above EUR 60 000)* |  |  |  |
| 21 | Does the contract specify: rights and obligations of the parties; the purchased supplies, services or works and their exact quantities (where applicable); the price or pricing rules; settlement and payment procedures; deadlines for discharging obligations; security for discharging obligations; the procedure for settling disputes; the procedure for terminating the contract; the contract period; possibility of changes of the contract and its procedure. |  |  |  |
| 22 | Were there the criteria of award of contracts sufficiently detailed including their weighting in the procurement documentation in the manner guaranteeing fair competition and equal treatment of contractors? |  |  |  |
| 23 | Were the conditions of procurement approved by the person(s) with respective powers?  |  |  |  |
| 24 | Were the terms of participation in the procedure put online in line with the rules for the applied procurement procedure? *(applicable for open / restricted tender)*In case **of International open tender** or **International restricted tender** the procurement notice was published in all appropriate media, beyond the programme area? (in case of the restricted procedure it is necessary to state the number of candidates within range of four to eight candidates who will be invited to submit offers)In case of **Open tender procedure published in the programme area** the procurement notice was published in all appropriate media in the programme area. |  |  | *if applicable, please name the platform(s) and date of publication* |
| 25 | Did the procurement documentation specified place and date of submission of offers? |  |  |  |
| 26 | Were the deadlines for submission of applications or tenders long enough to give interested parties a reasonable period to prepare their tenders?(applicable in case of contracts of value above EUR 60 000)  |  |  |  |
| 27 | Was there participation in procurement procedure open on equal terms to all natural and legal persons established in the eligible countries? |  |  |  |
| 28 | Was there a rule of origin respected? (For supply contracts of value above EUR 100 000 supplies shall originate from eligible countries, for supply contracts of value below EUR 100 000 the supplies may originate from any country) |  |  |  |
| 29 | Was the rule of nationality (for contracts of value exceeding EUR 20 000) respected, that is, there was no restriction for participation in tenders for reason of nationality of the tenderer (in accordance with Article7 of Annex I to the Financing Agreement)? |  |  |  |
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| 30 | Did the bid opening take place on fixed dates?  |  |  |  |
| 31 | Did the Beneficiary exclude form participation in procurement all tenderers that are subject to exclusion according to grounds for exclusion listed in point II.2 of the chapter 6.4.3.2 of Programme Manual?  |  |  |  |
| 32 | Did the Beneficiary exclude form award of contracts all tenderers that fall within one of situations listed in the point II.3 of the chapter 6.4.3.2 of Programme Manual? |  |  |  |
| 33 | Were there conditions for the use of Negotiated procedure on the basis of single tender fulfilled and was a negotiation report explaining how participant(s) for negotiations were chosen, how the price was set and the grounds for the award decision prepared? (conditions are listed in point III.5 of chapter 6.4.3.2 of The Programme Manual)*(Note: For the contracts not exceeding value of EUR 60 000 in case of absence of national procurement rules the negotiated procedure may be used as well)* |  |  |  |
| 34 | For Competitive negotiated procedure without publication with the contract value more than 60.000,00 Euro, minimum 3 tenderers were invited to participate in negotiations and was a negotiation report explaining how participant(s) for negotiations were chosen, how the price was set and the grounds for the award decision prepared? |  |  |  |
| 35 | Was there no potential conflict of interest? |  |  |  |
| 36 | Does the most favourable bid meet criteria established by the Beneficiary? |  |  |  |
| 37 | Was the most favourable bid selected?  |  |  |  |
| 38 | Was the chosen bid offering the best value for money or as appropriate the lowest price? |  |  |  |
| 39 | Was the decision of the Committee recorded in the minutes, specifying reasons and providing explanations of the Committee’s decision? *(applicable in case of contracts of value above EUR 60 000)* |  |  |  |
| 40 | Were the minutes signed by all the members present at the Committee’s meeting? *(applicable in case of contracts of value above EUR 60 000)* |  |  |  |
|  | Was the Procurement Note (Annex 9 to the Programme Manual part I) properly filled in?(applicable for procurements in the range above EUR 10 000 and below the national threshold value) |  |  |  |
| 41 | In case of tenders below 10 000 EUR was the request of the price asked by phone/e-mail/webpages to minimum3 offerers and was the procedure documented and the criteria for the decision justified? |  |  |  |
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| 42 | Do terms of the signed contract conform to terms of the bid? |  |  |  |
| 43 | Are there terms of invalidity of the signed contract? |  |  |  |
| 44 | Was the contract concluded by the persons with respective powers?  |  |  |  |
| 45 | Was the contract concluded in writing?  |  |  |  |
| 46 | If the contract was modified, were not the provisions of Programme Manual violated? |  |  |  |
| 47 | Was the scope of services/supplies/works specified in contract completed by the contractor? |  |  |  |
| **Summary** | **Yes** | **No** | **Comments** |
| 48 | Was public procurement procedure evaluated positively? |  |  |  |
| 49 | In the event of negative evaluation of procurement: according to consequences of detected violations, is it *proposed to impose financial correction according to the Commission Decision C(2019) 3452 of 14.05.2019 laying down the guidelines for determining financial corrections to be made to expenditure financed by the Union for non - compliance with the applicable rules on public procurement*? |  |  |  |
| 50 | In the event of negative evaluation of procurement: based on consequences of detected violations it is proposed to recognize all expenses for procurement as ineligible?  |  |  |  |

Name of the auditor who elaborated the checklist:

Signature and stamp of the auditor:

Place, date

Name of the person who verified the checklist:

Signature and stamp of the person:

Place, date