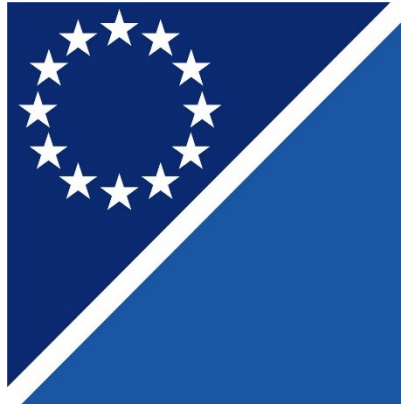


**REGIONAL ANTI-CORRUPTION
INITIATIVE**

25th STEERING GROUP MEETING



Summary, Conclusions and Decisions

Sofia, Bulgaria

12 June, 2017

25th Regional Anti-corruption Initiative (RAI) Steering Group Meeting took place in Sofia, Bulgaria on 12 June, 2017. It was organized by RAI Secretariat and hosted by the Ministry of Interior of Republic of Bulgaria.

Participants

25th RAI Steering Group Meeting was chaired by the RAI Chairperson Mr. Davor Dubravica. It was attended by 9 member states' representatives:

Albania – Mr. Andi Serjanaj – Deputy Senior Representative, Adviser on Anti-corruption Policies, Ministry of State on Local Issues/National Coordinator on Anti-Corruption;

Bosnia and Herzegovina – Mr. Adnan Dlakic – Senior Representative, Expert Adviser, Department for Combating Organized Crime and Corruption, Ministry of Security;

Bulgaria – Ms. Snezhina Marinova - Senior Representative Director of the EU and International Co-operation Directorate, Ministry of Interior; and Ms. Dora Zgurovska – Deputy Senior Representative, Head of Internal Security and Police Cooperation at the EU and International Co-operation Directorate, Ministry of Interior;

Croatia – Ms. Maja Baricevic - Senior Representative, Head of Anti-corruption Sector, Ministry of Justice;

Macedonia – Ms. Elena Dimovska – Deputy Senior Representative, Associate, Unit for Coordination of Anti-corruption Activities, Ministry of Justice;

Moldova – Mr. Lidia Carchilan – Delegated Representative, Superior inspector of the legislation and anti-corruption expertise Division, National Anti-corruption Center;

Montenegro – Ms. Mirela Bakalbasic – Deputy Senior Representative, Senior Advisor, Department for International Cooperation and Standards, Agency for Prevention of Corruption;

Romania – Ms. Ruxandra A. Banica – Delegated Representative, legal personnel with the status of judges and prosecutors, Department for Crime Prevention, Ministry of Justice;

Serbia – Ms. Katarina Nikolic, Senior Representative, Advisor on International Co-operation Matters, Ministry of Justice.

RAI Secretariat was represented by:

Mr. Vladan Joksimovic – Head of Secretariat;

Mr. Tomislav Curic – Anti-corruption Expert;

Ms. Aida Bulbul – Finance and Administrative Officer;

Ms. Jasna Panjeta – Programme and Outreach Officer.

Summary of Discussions

RAI Chairperson Mr. Davor Dubravica welcomed and greeted all members of the Steering Group and expressed gratitude to the Ministry of Interior of Republic of Bulgaria for hosting the event. He also greeted the new members of the Steering Group from Albania and Bosnia and Herzegovina, delegated member of Romania, as well as Ms. Snezhina Marinova from Bulgaria who attended the Steering Group Meeting for the first time.

On behalf of the hosting authority, Deputy Minister of Interior Mr. Krasimir Cipov took the floor. Mr. Cipov welcomed all participants of the Steering Group Meeting and emphasized the continued cooperation between the Ministry and RAI.

Mr. Nikolay Nikolov, President of the Commission for Prevention and Ascertainment of Conflict of Interest of Republic of Bulgaria took the floor and presented the mandate and the work of the Commission. SG members and RAI Secretariat engaged in Q&A about the work of the Commission.

Following introductory remarks and presentation by Mr. Nikolov, RAI Chairperson presented the Agenda which was adopted by the members of the Steering Group.

1. Tour the Table

All member country representatives shared recent developments and relevant activities in their respective countries.

2. Mandate of the RAI Anti-Corruption Expert

Chairperson introduced the topic of renewal of mandate of RAI Anti-Corruption Expert, Mr. Tomislav Curic.

Mr. Curic commenced his mandate as Anti-corruption Expert on 1 November 2015. According to internal rules and procedures he was appointed on a mandate of two years.

While serving as an Anti-corruption Expert Mr. Curic also took the role of Acting Head of Secretariat from September 2016 to end of January 2017. Mr. Dubravica thanked Mr. Curic for successfully managing the two roles – the expert role as well as managerial role during the Secretariat's transition period. Head of Secretariat remarked that Mr. Curic is an asset to the Secretariat since he is an excellent expert, ready for cooperation, very willing to learn and an excellent communicator with RAI partners. Mr Joksimovic, Head of RAI Secretariat, positively evaluated Mr Curic work, too.

Chairperson proceeded with recommendation to renew the mandate of Mr. Curic for two years starting with November 1 2017. Following brief complementary comments by some Senior Representatives, the Steering Group decided by consensus to renew the mandate of Mr. Curic.

3. Presentation of the Financial Report for 2016

Ms. Aida Bulbul, Finance and Administrative Officer, presented the report on behalf of the Secretariat. RAI Secretariat financial annual management is in accordance with internal documents and the respective Laws of Bosnia and Herzegovina and international standards of auditing.

In 2016 additional external financial Audit was conducted for Austrian Development Agency funded regional Programme. The Secretariat undergone several additional evaluation processes by donors for funds utilized by other projects/activities.

Highlights pointed out included:

- Two external audits for 2016 were successfully completed without mayor comments.
- RAI 2016 Budget is under-spent due to the fact that the Secretariat did not have Head of Secretariat for one quarter in 2016, hence the related budget for personnel and travel was not utilized. RAI Programmatic Budget was under-spent since funding from other sources was secured.
- All member country contributions for 2016 were duly paid as well as some backlog payments.

Head of Secretariat informed members of the SG that RAI Secretariat will continue to have rationale spending of the budget, not affecting the programme and core activities.

Following a brief Q&A session, Steering Group took note of the Financial Report for 2016.

4. Amendments of Internal Documents: Introduction of Procurement Manual and other Changes to Terms of References for Secretariat

Amendments to the Terms of References of Secretariat article V. Human Resources were discussed and partially adopted by the Steering Group. Representative of Romania did not support the proposed amendments, since, according to her statement, the amount of financial resources for health insurance was very high. Representative of Macedonia made an input that definition of the scope of health insurance shall be clarified. Head of the Secretariat abstained from the discussion; just informing SG members that health insurance for dependants is in accordance with international and national standards. Following the discussions, it was agreed that the Secretariat would send additional clarifications for final approval by the Steering Group.

The Secretariat requested introduction of new document into official set of RAI documents – the Procurement Manual. The need for the Procurement Manual was identified in 2016 following the first large procurement process conducted by the Secretariat. It became apparent that one Chapter on procurement in existing internal documents is not sufficient to fully regulate procurement process and provide the necessary transparency. Apart from the Procurement Manual development process, Secretariat undergone one day training with the Procurement Expert. Senior Representatives welcomed the introduction of the Procurement Manual. SG members from Romania and Macedonia have additional inputs and most of them were commented by Head of Secretariat and Finance and Administrative Officer. It was concluded that the adjusted version of the Procurement manual would be shared with the Steering Group for final notification.

5. Information from the Secretariat

Chairperson gave word to Head of Secretariat who presented key actions by the Secretariat in the past six months. Mr. Joksimovic informed the Steering Group that main activities of the Secretariat for past several months were provided within monthly reports. He stressed that RAI had an active role on the Conference on Assessing the Implementation and Effectiveness of Systems for Disclosing Interests and Assets by

Public Officials that took place in Tbilisi, Georgia, from 6 to 8 June and use the opportunity to re-call SG members to nominate participants for RAI Summer School for young practitioners.

He also informed about the Secretariat's efforts and plans regarding the draft Treaty on data exchange in asset disclosure and conflict of interest. Since the Treaty is finalized from the technical point of view, Secretariat made several efforts to bring this document to a political level. In this context, Secretariat was active in a communication with EU and OSCE, having been focused on upcoming Western Balkan Trieste Summit and potential support by the Ministry of Foreign Affairs of Austria (having in mind the fact that Austria is presiding OSCE in 2017 and that Austrian Development Agency has funded the Regional Programme, where adoption of this Treaty is one of the envisaged outcomes). It was also said that meetings with most of diplomatic missions of RAI member states present in Sarajevo have been held in order to inform respective ministries of foreign affairs about the initiative.

Mr. Joksimovic informed the SG that the Secretariat is considering purchasing/leasing the vehicle for the office use. Secretariat will elaborate and argue the case at the next Steering Group meeting. He also informed the SG that, for the first time, performance appraisals were conducted for all office staff.

6. Any other Business

Chairperson raised the point of ratification of the Memorandum of Understanding concerning Cooperation in Fighting Corruption by Serbia. Senior Representative of Serbia informed the Steering Group that the process of ratification of the Memorandum of Understanding in Serbia is delayed due to current process of forming of the Government.

7. Discussion about the RAI Work Plan for 2018 and 2019/2020

Secretariat presented the planning process along with the proposed timeframe, as well as initial Discussion paper containing ideas and proposals for the next RAI Work plan (2018-2019/2020). Members of the Steering Group agreed upon the proposed objectives, structured in three main pillars: objectives that the Secretariat will continue to pursue, objectives that are new, and a strategic outlook for RAI as an Organisation. SG members provided also additional inputs and suggestions for the next RAI Work plan, which will be further developed by the Secretariat.

Conclusions and Decisions

- ✓ The RAI Steering Group renewed the mandate of Anti-corruption Expert Mr. Tomislav Curic.
- ✓ The Steering Group took note of the Financial Report for 2016.
- ✓ Amendments of Internal Documents: Introduction of Procurement Manual and other Changes adopted with following remarks:
 - ✓ Health insurance coverage for international staff and their dependants: SG agrees in principle that dependants of International Staff need to be covered. Nevertheless, the Secretariat will send additional clarifications for final approval by the Steering Group.
 - ✓ Travel health insurance: SG agreed with the proposed amendment.
 - ✓ Introduction of Procurement Manual: Steering Group accepted introduction of Procurement Manual with a remark that the adjusted version of the text would be shared with the Steering Group for final approval.

- ✓ The Steering Group accepted the proposed planning process and objectives of the new RAI Work plan 2018-2019/2020. The Secretariat will share the planning document updated with the input received from the SG at the meeting, when RAI member states will be invited to submit their additional/final comments by 30 July 2017.

Amendments to RAI's internal regulations

Annex 3

Terms of References- Secretariat

Article V “Human Resources”, is amended as follows:

”The pay scale for the Secretariat staff shall be based on Bosnia and Herzegovina’s market conditions for professional staff in comparable positions. The Secretariat, on behalf of the local employees, shall make mandatory pension and disability insurance, health and unemployment insurance, and related salary tax contributions in accordance with the local laws. *The health insurance shall be provided to local staff, international staff and international staff’s dependants. All staff members and the Chairperson shall be entitled to travel health insurance.* The payments related to the staff can be done from contributions by both donors and member states.”

Justification: the present paragraph was discriminatory towards international staff of the Secretariat, as the dependants were not covered by the present health insurance package. The amendment will rectify identified discrimination.

Also, all staff members shall be entitled to travel health insurance.

Finance Management Manual

Chapter 7 is deleted in its entirety.

Chapters 8, 9 and 10 shall become Chapters 7, 8 and 9 respectively.

Justification: After evaluation of internal procurement policies by an external expert company, the Procurement Manual is being introduced as a new document. Consequently, provisions related to procurement are deleted from the Finance Management Manual

Procurement Manual

1. GENERAL RULES

When the implementation of an action approved by RAI Secretariat requires procurement, the contract must be awarded following this Procurement manual. Before starting any procurement of goods or services, of whatever value, the request for it must be passed directly to the Head of Secretariat or a delegate, who will ensure, with the Finance and Administrative Officer, that they are processed in

accordance with all applicable procurement and financial control requirements. No commitment to purchase any goods or services, however small, may be made without the prior signature of the Head of Secretariat or a delegate. Before initiating any procedure, the funds must be available. During the procurement and award of the contract, and afterwards the contract implementation stage the RAI Secretariat is referred to as Contracting Authority.

In order to use budget in most efficient way, contracts shall be awarded in accordance with basic procurement rules and principles:

- (a) ensuring sufficient transparency and fair competition;
- (b) ensuring equal treatment and non-discrimination;
- (c) avoiding conflicts of interests

There are three types of contract: supply, service and works. The contracting process consists of three main stages: design, tendering and contracting. During the design stage, all the documentation needed to start tendering must be prepared. The documentation prepared during the design phase is used to select the contractor during the tendering process.

The types of tender documentation to be prepared and specific steps to be undertaken depend on the type of contract and the procedure to be used for tendering. This Manual lays down the minimum procedures to be followed and it is not precluded that other procedures offering more competition are used (i.e. to use open procedure for contract value where competitive procedure could be used). It also provides the comprehensive information necessary to undertake procurement from the very first steps to the award, signature and implementation of contracts. Operational guidelines for procurement procedures are presented below for each type of procurement procedure.

Maximum value of the contract is calculated on the basis of overall price that Contracting Authority may pay for, VAT excluded.

1.1. Exceptions to General rules

The RAI Secretariat will use the negotiated procedures on the basis of a single bid in the following cases:

- a) For reasons of extreme urgency brought about by events which the RAI Secretariat could not have foreseen. The circumstances invoked to justify extreme urgency must in no way be attributable to the RAI Secretariat.
- b) For extension of contracted activities or introduction of new activities not included in the main contract, but which, because of unforeseen circumstances, have become necessary;
- c) For additional deliveries by the original supplier, where a change of supplier would oblige the RAI to acquire equipment having different technical characteristics which would result in either incompatibility or disproportionate technical difficulties in operation and maintenance;

- d) When the individual or vendor has successfully completed this work before, has a thorough understanding of the work to be accomplished and charges fees that have been determined to be reasonable and competitive in the local market.
- e) When the tender procedure has been unsuccessful, that is where no qualitatively and/or financially worthwhile tender has been received. In such cases, after cancelling the tender procedure, RAI Secretariat may negotiate with one or more candidates of its choice, from among those that took part in the tender procedure, provided that the initial terms of the tender procedure are not substantially altered.

The Head of Secretariat signs Decision on procurement, stating justification for this procedure and value of the contract. It also signs Contract award Decision stating value and the contractor. Exceptions to General rules refer also to procurement of hotel services, travel tickets, restaurant services and translation and interpreting services.

1.2. Grounds for exclusion from participation in procurement

Candidates will be excluded from taking part in a procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they or persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority;
- c) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes
- d) they or persons having powers of representation, decision making or control over them have been the subject of a final judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity

Bidders are obliged to sign Statement that they are not in any of these situations.

1.3. Exclusion from award of contracts

Contracts may not be awarded to candidates or bidders which, during the procurement procedure:

- a) are subject to a conflict of interests;
- b) are guilty of misrepresentation in supplying the information required by RAI Secretariat
- c) by sole discretion right of the Procurement Commission or Head of Secretariat if determined possible negative regard associated with political, legal or country risk.

A conflict of interest arises in situations in which the RAI staff or the candidates or bidders have, directly or indirectly, an economic, financial, or any other personal interest that might be perceived as an element that compromises their impartiality or independence in the context of the award procedure.

2. PROCUREMENT PROCEDURES

Initiation of procurement

Only those goods, works or services identical to or similar to those listed in the approved budget shall be procured. Request can be made by any of the Secretariat staff, pre-approved by Finance and Administrative Officer and approved by Head of Secretariat or a delegate. For that purpose the Purchase request Form shall be used.

Depending on the threshold, the appropriate procurement procedure will be applied.

Procurement Thresholds

Procurement value in EUR	Procurement procedure
800 and less	Single bid procedure
800 – 10 000	Competitive procedure
10 000 and more	Open procedure

The basic means of awarding contracts is competitive tendering. The purpose is twofold:

- to ensure that operations comply with the awarding principles; and
- to obtain the quality of services, supplies or works wanted, at the best possible price.

There are several different procurement procedures, each allowing a different degree of competition. This manual describes most common procedures; open, competitive, negotiated and single bid.

Once the funds are available in the budget and activity is approved, the contracting authority can proceed with tendering and contracting following these standard procedures. All basic principles must be complied with, regardless of which procedure is used.

2.1. Open procedure

A procedure is called open when all potential and eligible bidders may submit a tender. The contract is given maximum publicity through the public invitation issued at RAI website and, if applicable, in other electronic media.

Under the open procedure, any natural or legal person wishing to participate receives, upon request, the tender dossier in accordance with the procedures laid down in the public invitation. When the tenders received are examined, the contract is awarded by conducting evaluation and award procedures. No negotiation is allowed.

***Steps**

The Head of Secretariat or a delegate signs Decision on starting procurement; stating funds available, procedure to be followed (open procedure), selection and award criteria, time limits for procedure. The bidders shall have at least 30 days after publication to submit the offers, and 60 days after tender submission date their offers may be valid. That is period when evaluation of tenders must be done and Contract award Decision finalized. It is also necessary to appoint Evaluation Committee if Secretariat does not have permanent Evaluation Committee appointed.

After these Decisions, public invitation to tender may be launched.

If candidates have questions regarding tender documentation it should be answered in written, prior submission date.

Tender opening session takes place after submission time/date. Tenders (offers) are open only when all members of Procurement Committee are present. Each offer should be checked whether it satisfies all requirements, and that information should be part of the Evaluation report. The Evaluation Committee concludes the Evaluation report, which should contain proposed candidate to whom the contract will be offered. The Report is sent to the Head of Secretariat or delegate for approval. After approval, the selected candidate is offered the contract for signature. If they accept proposed contract, the implementation can start after contract commencement date. If they do not accept it, the contract can be offered to the second best successful candidate.

2.2. Competitive procedure

Under the competitive procedure, the Contracting Authority invites at least three candidates of its choice. At the end of the procedure, out of the technically compliant offers, the one that offers the best value for money or the one that is the cheapest is selected (depends which award criterion is set to be used). If the Contracting Authority receives only one offer that is administratively and technically valid, the contract may be awarded provided that the award criteria are met.

***Steps**

Procurement procedure starts with Decisions on starting procurement with all relevant data (stating funds available, competitive procedure selection criteria, award criteria, time limits). If the procurement value is set to 5,000 EUR or higher, the Evaluation Committee is to be established.

Person(s) responsible for procurement communication (the Finance and Administrative Officer or Project/Programme Officer) sends Request for Offer and relevant documentation to at least three addresses of potential candidates.

The bidders should be given a minimum of three days to submit offers. After submission time/date, each offer should be checked whether it satisfies all requirements.

The Person responsible for procurement communication concludes the Evaluation report, which should contain information on whether or not offers comply with the formal requirements and proposed candidate to whom the contract will be offered. The Evaluation report is sent to the Head of Secretariat or delegate for approval. After approval, the selected candidate is offered the contract for signature. If they accept proposed contract, the implementation of contract starts. If they do not accept it, the contract can be offered to second best successful candidate.

2.3. Direct purchase and negotiated procedure

Direct purchase based on single bid is provided for in case the sum allotted for a contract is equal to or less than €800. However, artificially splitting related activities into smaller sized contracts to prevent the requirement for tendering is strictly prohibited. In case the candidate is technically competent to undertake the contract as asked to, and is able to abide by the financial limitations of the budget, a direct contract may be signed with this provider. The Head of Secretariat (or delegate) approves the purchase. Purchase may be paid against receipt, does not have to rely on contract. It is not obligatory for this procedure to set up the Procurement Committee. This procedure allows procurement of goods and services without bidding procedure; a simple bill, order of purchase or any other document that serves as a proof of purchase shall be accepted as such.

Only in exceptional cases, negotiated procedure is to be used regardless the thresholds, with a single bid only. The “exceptional cases” are as described under 1.1. of this Manual.

In all cases a justification stating and explaining the reason for a direct purchase/negotiated procedure needs to be written, approved and be included in the financial expense report.

***Steps**

The Finance and Administrative Officer checks whether budget of an action is available.

She/he sends Purchase order form to the Head of the Secretariat.

A simple request is sent to bidders from the existing list, requiring only price offer. Proof of purchase is kept in a file.

In the cases when the Secretariat has a prior knowledge or experience of numerous service/goods providers, it can be appropriate to pre-qualify the bidders. Such list shall be placed at the disposal to Secretariat staff in some form of internal list of vendors that will be used as an initiation for such procurement. Pre-qualification criteria vary and can be set on a yearly basis, with an ongoing open call for potential new bidders. This practice may apply for travel agencies, office supplies procurement, hotel and restaurant services.

2.4. Canceling procurement procedure

The Contracting Authority may decide to cancel the tender procedure at any stage particularly if:

- a) the tender procedure has been unsuccessful i.e. no qualitatively or financially worthwhile bid has been received or there is no response at all,
- b) the economic or technical data of the project have been fundamentally altered,
- c) exceptional circumstances of force majeure render normal performance of contract impossible,
- d) all technically compliant bids exceed the financial resources available,
- e) there have been irregularities in the procedure, in particular where these have prevented fair competition.

The bidders shall be informed on the cancellation. In the case of open procedure, cancellation is published at same places as public invitation to tender. Bidders shall not be entitled to compensation of any kind whatsoever.

After cancelling a tender procedure, the Contracting Authority may decide:

- to launch a new tender procedure
- if applicable, to negotiate with one or more bidders, provided that the original terms of the contract have not been substantially altered
- not to award the contract.

The Head of Secretariat signs Decision on procurement cancellation, upon the proposal of the Procurement Committee.

2.5. Selection and award criteria

The contracting authorities must draw up clear and non-discriminatory selection criteria for the purpose of assessing that the candidate has sufficient financial, economic, technical and professional capacity to implement the tasks of the contract. The chosen criteria shall be proportionate and may not go beyond the scope of the contract. When deciding on the appropriate selection criteria, it must be considered whether compliance can be proved and what type of documentary evidence the candidate may submit as proof. These criteria may be different for natural and legal persons, and they should be tailored for each procurement.

Selection criteria are:

- a) the financial and economic capacity of the candidate
- b) technical and professional capacity of the candidate

Example of criterion a): Annual turnover of candidate is equal or higher than contract value

Proof to be requested for criteria a): Balance sheet of previous financial year

Example of criteria b): the educational or professional qualifications of candidate, or previous experience

Proof to be requested for criteria b): University degree diploma, company registration form or a copy of employment contracts.

Contract award criteria:

- a) lowest price (of the tender satisfying selection criteria and is technically compliant)
- b) the best-value-for-money (i.e. the most economically advantageous tender)

An award criterion is applied after the tender is evaluated for satisfying selection criteria and is technically compliant.

Usually, criteria a) is used when procuring goods, and criteria b) for procuring services. Nevertheless, it can be decided differently or combined criteria can be applied. The Procurement Committee, in its Evaluation Report, proposes the contractor selected on the basis of these, previously set, selection and award criteria. The Head of Secretariat (or delegate) approves Evaluation report and signs Contract award Decision.

Only after Contract award Decision is taken, the bidder (who afterwards becomes contractor) is notified on the Decision, and the Contract may be signed.

In order to inform candidates how they will be assessed, it is useful to use evaluation grid which includes all criteria on which tenders will be evaluated. Since the evaluation of the offers will be based on the evaluation grid which is contained in the tender documentation and candidates pay special attention to the items in the grid that could potentially give a high number of points, it must not be changed after it is set up to the specific contract. It must be also noted that if there are too many criteria in the grid, the comparison of offers could be more complicated as each item would give a relatively small number of points and some differences between the offers would not be reflected in the number of points. Points are given only in case an award criterion is the-best-value-for-money.

In case award criteria is the lowest price, other technical requirements must be tailored to each tender in a YES/NO format to allow a clear assessment of whether or not the tender meets the technical requirements set out in the tender dossier.

3. PROCUREMENT COMMITTEE

The Procurement Committee is established to ensure consistent and correct application of procurement practices. Committee members are primarily responsible for monitoring and verifying executing procurement actions and ensuring that approved procurement procedures have been applied properly.

Due to the limited staff of the Secretariat, a procurement committee shall be appointed to a period of time that can relate to the mandate of the Head of Secretariat (so called permanent Procurement Committee). Procurement Committee is composed of three members; chair and two members. The Head of the Secretariat shall not be a member of the Committee. The procurement committee renders decisions unanimously.

Procurement Committee:

- Ensures compliance with the Procurement Policy;
- Approves notices, tender documents, terms of the service agreement and all other material documents related to the procurement process;
- Corresponds with bidders;
- Considers the proposals received by the bidders;
- Evaluates as per defined criteria; (Evaluation grid)
- Reports to the Head of Secretariat on a regular basis on the progress of the procurement process;
- Proposes a contract award decision to the Head of Secretariat.

Head of Secretariat is obliged to reject the proposal for contract award, if finds that the procurement procedure was not respected by the Procurement Committee member/s.

4. TENDER DOCUMENTATION

Tender documentation should be carefully drafted, to ensure that procurement procedure is carried out correctly and the contract is complete. Given the technical complexity of some contracts, the preparation of (part of) tender documentation may require external assistance. Tender documentation should contain all relevant information that candidates need in order to submit their offer (tender):

- procedure to be followed
- instruction to bidders
- grounds for exclusion (as in 2.1.) - statement template and/or documents to provide as proof
- selection and award criteria
- description of supply/service/works that are subject of procurement
- evaluation grid
- time limits
- contact information

If candidate has additional questions about tender documentation, or contracting authority decides it is necessary to share additional information, it should be done in written before submission date, so candidate can adjust its tender timely. Depending on the procurement subject, the technical part of the documentation should contain all information related to minimal technical requirements, state of goods, minimum quality, delivery time, after sales service, warranty conditions, etc. Requirements not mentioned in tender documentation cannot be reason for rejection of any candidate. In order to maintain fair competition, requirements must not be tailored to the specific contractor.

5. TRANSPARENCY

RAI Secretariat shall promote fair and equitable treatment for potential suppliers by providing an adequate and timely degree of transparency in each phase of the public procurement cycle, while taking into account the legitimate needs for protection of trade secrets and proprietary information and other privacy concerns, as well as the need to avoid information that can be used by interested suppliers to distort competition in the procurement process. Additionally, suppliers should be required to provide appropriate transparency in subcontracting relationships.

In order to achieve this end, the Secretariat shall make sure that:

- Relevant information is available on its official website at each stage of the open procedure cycle: tender notice, bidding/tender documents, technical specifications, qualification criteria, evaluation criteria, award notice, and contract award decision.
- Criteria that set the timeframe for publication of procurement opportunities and submission of proposals to allow sufficient time to:
 - Prepare for the tender
 - Ask questions
- Conditions that will enable potential suppliers to determine their participation are disclosed.

6. Annexes

Annex 1 – Purchase Requisition Form

Annex 2 – Draft Statement: Conflict of Interest

Annex 3 – Draft Statement of Exclusion

Annex 4 – Procurement decision template

Annex 5 – Draft Evaluation Report

Annex 1

PURCHASE REQUISITION

Supplier Address		PR N°	
Phone Fax Contact		DATE	

Quantity	Ref.	Description	Curr.	Est Unit Price	Subtotal	Est. VAT	Est. Total
		Payment method					
<input type="checkbox"/>	Goods	<input type="checkbox"/>	Wire Transfer			Total excluding V.A.T.	0.00
<input type="checkbox"/>	Services	<input type="checkbox"/>	Cash			V.A.T.	0.00
						Total including V.A.T.	0.00

REQUEST

Purpose / Motivation:

Bidding Information

Amount

Vendor 1:	NN				
Vendor 2:	NN				
Vendor 3:	NN				

APPROVAL SIGNATURES

DATE

Head of Secretariat or delegate:					
Finance and Admin. Officer:					

DRAFT

Statement

<Each member of the Procurement Committee (and Head of Secretariat) must submit a signed declaration using this format. Statement is to be signed for all procurement procedures, and is a part of tender dossier>

RAI Secretariat has a zero tolerance on fraud and other proscribed practices and is committed to preventing, identifying and addressing all such acts and practices against RAI, as well as third parties involved in RAI activities. RAI expects its suppliers and service providers to adhere to the rules of Ethical Conduct.

Herby I declare that I am not in any of the following situations potentially falling into the conflict of interest in a given procurement procedure, namely:

- There are no family, emotional, political or nation-wise affinities towards the potential bidders in the procurement procedure;
- I have no economic or other shared interest in respect of the outcome of the procurement procedure;
- I have not shared any information that may grant an advantage to bidder or influence the outcome of the procurement procedure in any way
- I have not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity.

Conflict of interest shall occur especially in the cases of:

- ownership, control or management relations between RAI staff members and bidders (share and stock owners, managing functions, board members etc.);
- economic, family or personal involvement with politically exposed persons;
- family relations between RAI staff members and bidders such as their first of kin; marital partners, and their first of kin; household members.

.....

DRAFT

Statement

<As part of their tender, each legal entity must submit a signed declaration using this format.>

We have examined and accept in full the content of the dossier for invitation to tender No <.....> . We hereby accept its provisions in their entirety, without reservation or restriction.

This tender is valid for a period of <....> days from the final date for submission of tenders.

We are not in any of the situations excluding us from participating in procurement procedure, namely;

- we are not bankrupt or being wound up, or having our affairs administered by the courts, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- we have not been convicted of an offence concerning our professional conduct by a judgment of a competent authority;
- we have fulfilled obligations relating to the payment of social security contributions and the payment of taxes
- we have not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity

If required, we can provide the proof usual under the law of the country in which we are established that we do not fall into these exclusion situations.

.....

ANNEX 4

/RAI Logo/

Date:

Ref. No.

Based on the RAI Secretariat Procurement Manual requirements, the approved budget and respective finance management internal documents, on behalf of RAI Secretariat office, hereby I initiate the

PROCUREMENT DECISION

For procurement of _____ (goods/services/works) namely, the procurement of _____ using the _____ (type of procedure). Total available funds for this action, VAT excluded is _____.

(only for open calls): Public invitation will be posted on the web site of the Secretariat, allowing potential bidders to submit their offers until _____.

Offers within this procurement are to be submitted by potential bidders not later than _____, by e-mail (e-mail address) or to the address below:

Selection criteria to be used:

- a) lowest price ,
- b) the best-value-for-money.

Selection criteria and other terms and conditions of contract are further elaborated within tender dossier available upon request.

HEAD OF SECRETARIAT

/Name Surname/

ANNEX 5

DRAFT
EVALUATION REPORT

Procurement of : _____

- Contents:** Timetable
Evaluation
Conclusion
Signatures
- Annexes:** Evaluation Grid
- Offers

<...>

1. Timetable

	DATE	TIME	VENUE
Deadline for the submission of tenders			
Tender opening session			
Etc.			

2. Evaluation

The Evaluation Committee only considered those tenders, which were found to be suitable for further evaluation following the tender opening session.

(if)There was public opening session held at <....>. Representatives of companies who attended opening session <....>

Compliance with requirements

The Evaluation Committee assessed the compliance of each of the tenders with the requirements of the tender dossier.<....>

The Evaluation Committee used the evaluation grid included in the tender dossier to assess the compliance of each of the tenders with the requirements of the tender dossier. The completed evaluation grid is attached.

On the basis of this, the Evaluation Committee decided that the following tenders were non-compliant and should not be considered further: <reason for rejection>

3. Conclusion

Consequently, the Evaluation Committee recommends that the contract(s) is(are) awarded as follows: <ranking of tenders, their financial offers for lowest price or scoring for best value for money...>

4. Signatures

	Name	Signature
Chair		
Member		
Member		

Approved by the Head of Secretariat:

Name & Signature: