



FONDAZIONE BRUNO KESSLER

PROCEDURE FOR THE PROCUREMENT OF GOODS, SERVICES AND WORKS

Annex to the Resolution of the Head of the tenders and Contract Service no. 01/2017 of January 25th, 2017.

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1. PURPOSE AND SCOPE

This document regulates the procedure for procurement requests for goods, services and works and aims to define a rational process that will ensure:

- compliance with regulations on contracts, anti-corruption and transparency;
- the application of the principles of cost-saving, efficiency, advertising and impartiality;
- free competition and equal treatment of suppliers;
- compliance of the goods, services or works with required use and regulations in force;
- traceability of payments in adherence to regulations in force;
- the evaluation of suppliers in relation to technical capacity, punctuality and compliance of delivered goods.

2. PURCHASE REQUEST

To proceed with the purchase of a good or to request a service or work, a Purchase Request Form (hereafter "RDA") must be completed online at <https://appalti.fbk.eu/it/riciesta-di-acquisto> upon authentication with FBK username and password. First name, last name, and e-mail will be entered automatically.

All RdA user fields must be completed carefully. The fields marked with an asterisk are required and failure to fill them out will result in an unsubmitted request.

The required fields are as follows:

1. Cost center
2. Cost center coordinator's e-mail address
3. Job order number
4. Maximum amount to be spent
5. Category of request
6. Description of the goods, service or work
7. Reason for purchase
8. Deadline for service or work

The optional fields are as follows:

1. Job order coordinator
2. Job order coordinator's e-mail address
3. Annexes
4. Description of annex
5. Suggested suppliers
6. Urgent status (if applicable)
7. Contact person
8. Notes

By clicking on the "Send a request" button, the RDA is submitted to the Purchasing Department. The RdA will be processed by a Purchasing Unit Operator who, upon verification of the data contained in the RdA, with particular regard to budget availability, will take care of the entire purchase process, from the offer request to the payment of the invoice.

All RdAs are checked by the Risk Prevention and Protection Service to the end of preparing any documentation that may be required.

RdAs for IT material are forwarded to the IT Service that will verify hardware compatibility.

3. LIABILITY

The Purchase Request must be adequately motivated. Motivation will not, however, be disputed by the Purchasing Unit which will only verify that it exists and is not evidently unreasonable.

The task of the Purchasing Unit is to ensure the proper advance of the process leading to the procurement of the goods, service or work, in compliance with EU, national, and provincial regulations on contracts and with FBK bylaws.

Liability for the purchase lies with the cost center coordinator.

4. COMMUNICATIONS AND DOCUMENT REQUESTS

When a Purchasing Department Operator takes over the RdA, the user will automatically receive an e-mail containing the operator's name and the link to the ticketing system through which all communications between the operator and the user will take place.

All information relating to the purchase (attachments, notes by the Risk Prevention and Protection Service, communications between the User and the Operator) will be recorded in the database. The documents related to a specific purchase (offer, order, DURC, e-mails, etc. ...) will be saved in the operating system used by the Purchasing Unit.

The above documentation can be viewed upon request to be submitted to the Purchasing Unit.

5. INTENT TO CONTRACT AND BUDGET COMMITMENT

The processing of the RdA - which contains all the essential elements of the contract that is intended to be assigned - together with the determination of the selection criteria for suppliers by the Purchasing Unit, is equivalent to an intent to contract¹, a deed necessary to start the contract awarding procedures.

Once the preliminary checks have been completed, the Purchasing Unit proceeds to commit the expenditure provided for in the relevant budget and initiates the necessary supplier selection procedure in accordance with regulations applicable to the case.

6. CONTRACT AWARDING PROCEDURES

Suppliers are selected based on EU, national and provincial regulations on public procurement², and in compliance with the relevant laws³ and resolutions⁴ adopted by the Autonomous Province of Trento for the implementation of the Provincial Improvement Plan and the provisions of the national spending review.

In detail:

❖ **Purchases for amounts not exceeding € 40,000 (before VAT)**: purchase of goods and services through the provincial or national electronic market system; alternatively, where the good or service requested is not available on MePat/MEPA, through RFP to the suppliers identified.

Direct contract awarding to the identified supplier must be **properly motivated**, in accordance with art. 36 paragraph 2, letter a) of Legislative Decree No. 50 of April 18, 2016; to this end, offers are compared to define the congruity of the purchase.

The Purchasing Unit will determine whether direct contract awarding is feasible and will have to ensure compliance with the prohibition on forced split.

¹ The intent to contract is the deed that initiates the procedure through which the essential elements of the contract and the criteria for the selection of the business operators and offers are identified (see art. 32 paragraph 2 of Leg. Decree 50/2016)

² DIR. 2014/23/UE, 2014/24/UE, 2014/25/UE; Leg. Decree No. 50 dated April 18, 2016; P.L. No. 2 dated March 9, 2016.

³ Art. 36 ter-1 of Prov. Act No. 23 dated July 19, 1990; art. 39 bis of Prov. Act No. 3 dated June 16, 2006.

⁴ Including: Province Council resolution No. 1392 dated July 11, 2013; No. 2114 dated November 27, 2015; No. 2441 dated December 30, 2015; No. 2086 dated November 24, 2016.

- ❖ **Purchases for amounts between € 40,000 and the EU threshold (currently € 209,000, before VAT):** informal bidding process through electronic purchasing tools MePat/MEPA; if the merchandise category requested is not available in the electronic market, FBK is **obliged** to use APAC (Provincial Agency for Tenders and Contracts) for conducting public bidding procedures.
FBK can proceed independently to conduct bids for contract awarding of works whose amounts do not exceed € 1,000,000, before VAT.
- ❖ **Purchases for amounts exceeding the EU threshold:** for procurement procedures for works, services and supplies exceeding the EU threshold, FBK shall bring the matter to APAC, as the actions are funded by the Provincial Administration. For other procurement above the EU threshold, FBK applies the contractor selection procedures established by Legislative Decree No. 50, dated April 18, 2016.

7. CONTRACT AWARDING CRITERIA

Contracts are usually awarded to the most economically advantageous tender identified based on price or cost, including the best VFM.

Contracts are awarded based exclusively on the economically most advantageous offer for:

- ❖ assignments for engineering, architecture and other technical services exceeding € 40,000;
- ❖ catering services and all services, different from those of intellectual nature, where labor costs are at least 50% of the total contract amount

The lowest price or cost criteria⁵ can be applied only when justified by the scarcity of quality profiles that can be evaluated, thus for:

- ❖ goods and services with standardized features or market-defined conditions;
- ❖ goods and services characterized by high repetitiveness, except for those of considerable technological or innovation content;
- ❖ works for amounts equal or lower than € 2,000,000-, before VAT. In these cases, the price is determined through offer in unit prices or lowest bidder.

8. DRAFTING OF CONTRACT/ORDER ISSUANCE

The contract is entered into either with the order submission as acceptance of the offer of the chosen vendor or through a private document signed by the parties.

The order is issued by the Purchasing Unit Operator in charge and must be approved by the cost center and job order coordinator, through the email approval system. By approving the order, the cost center coordinator assumes liability for the purchase.

For purchase orders exceeding € 20,000, the signature of either the Secretary-General, the Director of the Center or the Service Manager's, in their capacity of legal representatives of the Foundation.

The signing by the Head of the Tenders and Contracts Service is relevant only for purposes of the correctness of the choice of supplier procedure.

The order is then sent by e-mail to the supplier together with the general conditions of contract.

9. DELIVERY OF GOODS AND ORDER COMPLETION

Delivery of the goods is recorded in the Order Completion Form (*MCO*) issued by the warehouse. The warehouse staff, having checked the integrity of the packaging and the correspondence of the description of the content with the required item, notifies the arrival of the goods to the person who placed the Purchase Request and the Purchasing Unit via e-mail.

The person who placed the Purchase Request shall promptly collect the goods and sign the *MCO*.

⁵ Determined on the basis of lifecycle costs, as defined in art. 68 of DIR. 2014/24 / EU, of the goods, services or works to be purchased.

The timely collection of the goods from the warehouse is functional not only to the management of space, but also to ensure a smooth application of purchase process by the Purchasing Unit. In the case of services, for the purposes of payment of each installment and the final balance, the cost center coordinator (responsible for the contract execution) is required to issue a certificate of compliance for the service provided.

10. TESTING OF INVENTORIED GOODS

The cost center coordinator is responsible for testing the inventoried goods within 15 days from the date of acceptance of delivery indicated on the MCO.

Having this time period elapsed without notice, the testing is considered as performed.

Where the cost center coordinator deems that a testing period exceeding 15 days is needed, he/she can request the suspension of the deadline for the testing to the Purchasing Unit via e-mail. This request must be accompanied by reasonable justification and an indication of the duration of the suspension period.

11. INVOICE PAYMENT

The Purchasing Unit enters the invoices received in electronic format in the FBK system as required by M.D. 55 of 2013 through *SDI* (Interchange System managed by the Italian Internal Revenue Service), making the necessary verifications of compliance.

In fact, in addition to the checks carried out directly by the Interchange System (uniqueness of the transmitted files, compliance of invoice format, authenticity of the signature certificate), the Purchasing Unit verifies the compliance of invoices with the contractual terms defined in the PO: amount, *CIG*, *CUP* (when applicable), description, methods and terms of payment, non-application of the "splitting of payments" and correctness in the completion of the fields required by the system.

The invoices are then associated with purchase orders issued or RdAs and transmitted to the Accounting and Finance Department, which shall payments according to the contractual terms.