

## PROCEDURE FOR THE PROCUREMENT OF GOODS, SERVICES AND WORKS FOR AMOUNTS BELOW THE DIRECT AWARDING THRESHOLD<sup>1</sup>

### 1. OBJECT AND PURPOSE

This document governs the procedure for the procurement of goods, services and works up to the threshold of direct awarding in operational implementation of the "*Guidelines for the procurement of goods, services and works and for the awarding of external appointments*" approved by the Board of Directors on September 16, 2021 and published on the "Transparent Administration" website.

### 2. PURCHASE REQUEST: COMPLETION AND NOTIFICATIONS

To proceed with the purchase of supplies or the request for a service or work, the online Purchase Request form (hereinafter "*RdA*") available at: <https://my.fbk.eu/formbuilder/form/67> has to be completed. The *RdA* can be completed by any employee or collaborator with FBK credentials (hereinafter the Requesting officer).

Required fields are marked by an asterisk (\*); blank mandatory fields prevent the sending of the *RdA* as they represent essential information for the Purchase Unit operator (hereinafter Buyer) to proceed with the drafting of the offer request and with the issuing of the purchase order.

Required fields are:

1. Cost center
2. Job order number
3. Object
4. Reason for request
5. Maximum spendable amount or estimated value
6. Category Required
7. Purchase details
8. If the supplier is being indicated, it becomes mandatory to justify the preference

By clicking the "send request" button, the *RdA* is sent to the Purchasing Unit.

The acceptance by a Buyer of the *RdA* automatically generates an email containing the details of the request sent to the Budget Manager of the Cost Center, on which the expense will be charged. It is the responsibility of the Budget Manager of the Cost Centre to verify the *RdA* and, if necessary, block the purchase procedure.

An email is also automatically sent to the Requesting officer indicating the name of the Buyer in charge and containing the link to the *ticketing* system, through which all communications between Buyer and Requesting officer will take place.

Once the preliminary checks and budget availability have been completed, the Buyer commits the expenditure provided for in the budget of the Cost Center concerned and starts the supplier selection procedure in accordance with current legislation and the "*FBK Guidelines for the procurement of goods, services and works and for the granting of external appointments*".

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<sup>1</sup> This Procedure fully replaces the Procedure adopted with resolution n. 01/2015 of February 16, 2015 and updated with resolutions n. 01/2017 of January 25, 2017 and n. 05/2022 of May 11, 2022.

All *RdAs* are forwarded and viewed by the Safety and Prevention Unit for the preparation of any necessary documentation.

*RdA* s for IT materials can be viewed by the IT Infrastructure Service to verify hardware compatibility.

The *RdA* online form asks for information about the processing of personal data: if the supplier must process personal data on behalf of FBK, the *RdA* is forwarded to the Data Protection Officer (DPO) for the evaluation of the necessary obligations.

All *RdA* related information (attachments, notifications from the Safety and Prevention Unit, communication between the Requesting officer and the Buyer) and the purchase documents (offer, order, Durc, self-certification pursuant to Article 80 of Legislative Decree No. 50/2016, Letter of Appointment/Contract, e-mail, etc...) are saved in the software system used by the Purchasing Unit.

The aforementioned documentation can be accessed upon specific request to the Purchasing Unit.

### **3. DUTIES AND RESPONSIBILITIES**

The Requesting officer must adequately describe the reasons that justify the *RdA*.

The Buyer verifies the existence and not manifest unfoundedness of the reason indicated by the Requesting officer, but cannot review its merits. In the case of manifestly illogical reasons or reasons contrary to the general interest of the Foundation, the Head of the Tenders and Contracts Service may report the matter to the Secretary General, for the exercise of his/her powers, in accordance with the provisions of art. 5 paragraph 4 of the FBK Organization Regulations.

It is the responsibility of the Budget Manager of the Cost Center to verify its correctness for the purposes of purchase sustainability.

The Head of the Procedure for the assignment phase (figure embedded in the Tenders and Contracts Service) is responsible for the procedure aimed at purchasing the good, service or work in compliance with the relevant legislation.

Responsibility for the merits of the purchase remains with the person in charge of the relevant organizational unit, who has power of attorney.

### **4. SIMPLIFIED CONTRACTING/DETERMINATION OF AWARDING OF CONTRACT**

For the purposes of drawing up the awarding decision provided for in art. 5, paragraph 4 of the "*Guidelines for the procurement of goods, services and works and for the awarding of external appointments*", in the event that the *RdA* provides for the direct awarding of contracts for an amount in excess of €20,000, the Requesting officer must also provide precise reasons for preferring a supplier. In order to facilitate the Requesting officer in the identification of the reasons that allow direct awarding without prior market search, the on-line *RdA* form provides for cases in which direct awarding is admissible in compliance with regulations in force. The reasons stated for a preferred supplier will be recalled in the awarding determination, a document signed by the competent Manager of the Organizational Unit with power of attorney.

Awarding determinations are published on the Transparent Administration website on the page "*Provvedimenti-Dirigenti-amministrativi/Determinazioni-nel-settore-degli-approvvigionamenti*".

### **5. VERIFICATION OF GENERAL ELIGIBILITY REQUIREMENTS TO CONTRACT WITH THE P.A. AND OF CONTRACTOR SELECTION REQUIREMENTS**

The awarding of contracts is preceded by verification of possession of the general and special requirements declared by the supplier when submitting the offer. According to the provisions of art. 5 of Provincial Law 2/2020, FBK proceeds to the verification related to the absence of the reasons for exclusion (ex art. 80 Legislative Decree No. 50/2016) only where the selection procedure takes place outside the electronic market managed by APAC.

Verifications are simplified for the awarding of contracts up to 20,000 euros in the following terms:

**Contracts < 5,000 euros:** a) consultation of the ANAC Records; b) request for a Document attesting to regular payment of welfare and social contributions (DURC).

**Contracts > 5,000 and < 20,000 euros:** a) consultation of the ANAC Records; b) request for a Document attesting to regular payment of welfare and social contributions (DURC). c) request for the Court Register to conduct a background check; d) consultation of the National Revenue Service in relation to obligations to pay taxes and duties; d) Chamber of Commerce company registration check via the [verifiche.pa](http://verifiche.pa) portal.

The verification of any additional selection requirements is always carried out by requesting the supplier of documents attesting to the statements made.

## 6. CONTRACT DRAFTING / ORDER ISSUANCE

The contract is stipulated with the sending of the purchase order/letter of awarding as acceptance of the offer of the selected supplier, according to commercial usage.

The order is issued by the Buyer and must be approved by the Cost Center and Job Order Head, through the unified approval system adopted by FBK within the [myfbk.eu](http://myfbk.eu) portal.

Contracts/purchase orders with an amount of less than 20,000 Euros are signed by the Head of the Tenders and Contracts Service, according to the power of attorney granted by the President of the Foundation.

For amounts greater than 20,000 Euros, the purchase contracts/orders are subject to the signature of the other attorneys, according to their respective competences. The affixing of the signature by the Head of the Tenders and Contracts Service assumes in this case relevance only for the purposes of the correctness of the granting procedure.

The purchase order is sent by e-mail to the supplier together with the general/special conditions of the contract which are referred to by including a link in the document.

## 7. DELIVERY OF GOODS/ OF SERVICE AND VERIFICATION OF CONFORMITY

The receipt of the goods is recorded in the management software through the Order Closure Form (MCO) issued by the warehouse. The warehouse staff, after checking that the packaging is in good order and that the content matches the description of the item ordered, will notify the Requesting officer and the Buyer by email of the delivery of the goods.

The item shall be promptly picked up by the Requesting officer, who shall sign the MCO.

Prompt pick-up of the goods from the warehouse is functional not only to the management of the spaces, but also to ensure a correct execution of the purchase process by the Purchasing Unit.

Where provided for by the Regulations for the keeping of the inventory of movable and immovable property, the warehouse staff will enter the goods in the FBK inventory by completing the computerized technical form created by the Head of the Corporate Assets Service and apply the corresponding label required for inventory purposes. For certain types of products that cannot be inventoried but for which it is necessary to ensure traceability, a label will be applied with the order number.

In the case of services, for the purposes of payment of each installment and of the final balance, a declaration of the regular performance of the service provided is requested via e-mail from the officer in charge of the execution of the contract (who, if not explicitly identified, coincides with the Head of the organizational unit holding a power of attorney).

## 8. CHECKS DURING THE EXECUTION OF CONTRACTS - REGULARITY OF COMPENSATION

The contracts stipulated following the procedure (RDO) carried out on the portals managed by APAC, which provide for the use of manpower at FBK's offices for an amount exceeding €5,000 for the awarding of services and supply with installation of goods and for an amount exceeding €10,000 for the execution of works, are subject to verification on pay regularity of the staff employed as per the provisions of the *Regulation for the verification of pay regularity in the execution of public contracts, in implementation of Article 33 of Provincial Law No. 2 of March 9, 2016*, approved by the Provincial Council on January 15, 2021.

For the payment of the invoices issued, both for advance payment and balance, the supplier shall submit a certificate pursuant to Article 7 of Presidential Decree 445/2000 according to the template provided by FBK, attesting to the correspondence between the amount of wages indicated in the "libro unico del lavoro" (Payroll Records and Payroll Schedule) and what was actually paid to the workers employed at FBK locations in the period of reference.

On a quarterly basis (March 31, June 30, September 30 and December 31) FBK will check 20% (rounded up to the next higher unit) of the certificates of regular pay received.

To this end, the Purchasing Unit will suspend the payment order, informing the Administration Service, and will submit the statements of the suppliers concerned by the check to the Human Resources Service in order to verify:

- ✓ that the amount of wages indicated in the Libro Unico del Lavoro matches the amount actually paid to the workers employed at the place of execution of the contract in respect of 20% (rounded up to the higher unit) of the workers employed with respect to those indicated in the self-declaration by the economic operator;
- ✓ the list of workers employed for the execution of the contract;
- ✓ the months of employment of the workers indicated.

With regard to downpayments, FBK shall exclude verification of a sampled declaration and shall select another one if the sampled economic operator:

- a) has already been audited with a regular outcome occurring within the twelve months preceding the date of sampling by the contracting authority, even if for other contracts;
- b) has declared that in the twelve months preceding the date of sampling, it has already been subject to a check by the same or other contracting authorities on the regularity of pay;
- c) is subject to control by the same or other contracting authorities as of the date of sampling.

Checks on self-certification statements are always conducted for balance payments and payment of the invoice is suspended pending the outcome of the check, except where the conditions referred to in points a) and b) above have occurred in the twelve months prior to the date of submission of the self-declaration.

## 9. TESTING OF INVENTORY ASSETS

The Head of the organizational Unit that has made the purchase is responsible for verifying the conformity of the inventory items within 15 days, starting from the date of delivery, as indicated in the MCO.

Once this period has elapsed, the conformity check is deemed to have been carried out with a positive outcome.

If the Head of the organizational Unit deems it necessary to take longer than 15 days, he/she can ask the Purchasing Unit by e-mail to suspend the deadline for the conformity check. This request must be accompanied by a reasonable justification and an indication of the duration of the suspension.

## **10. INVOICE REGISTRATION**

The Purchasing Unit receives invoices in electronic format in accordance with Ministerial Decree 55 of 2013 through the SDI (Interchange System managed by the Revenue Agency) or in paper format (pdf) for EU and non-EU purchases and imports them into the FBK software system, performing the necessary conformity checks.

In addition to the formal check carried out directly by the Interchange System (only file transmitted, conformity of invoice format, authenticity of the signature certificate), the Purchasing Unit will proceed to check the data contained in the invoices with the contractual terms defined in the purchase order/letter of awarding/framework agreement contract: amount, CIG and CUP if present, description, payment method and terms, non-application of the "split payment" and correct completion of fields required by the system.

Invoices are then associated with purchase orders or contracts and made available within management software system to the Accounting and Finance Unit, which will provide for validation and payment within the contractual terms.