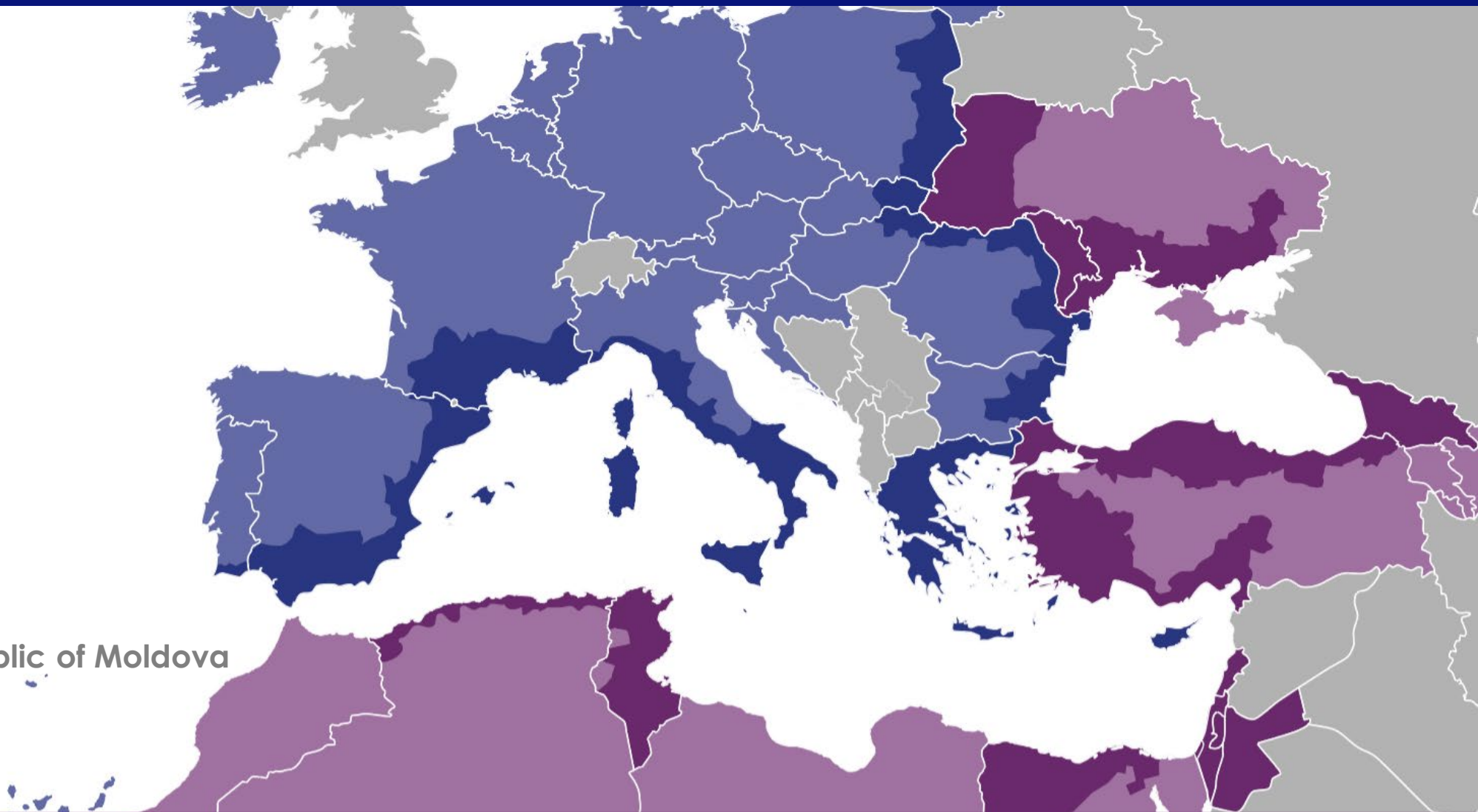


TESIM

Procurement in Interreg NEXT

Info days Romania-Republic of Moldova
October 2023



Interreg
TESIM NEXT



Funded by
the European Union

Implemented by

p
particip

Article 58 of Interreg Regulation (Regulation 2021/1059)

Option 1

*“Contracting authorities or contracting entities within the meaning of the Union legislation applicable to procurement procedures located in the Member States, shall apply **national laws**, regulations and administrative provisions adopted in connection with Union legislation.”*

Option 2

*“**In all other cases** the public or private Partners shall apply the provisions set out in Articles 58.2 of the Regulation no 2021/1059, which make references to the provisions of Regulation no 1046/2018 and have also been reflected in **Annex 2 Public Procurement of the Financing Agreement** between Republic of Moldova, Romania and the European Commission (**Annex P**).”*

Pages 59 & 60 of
the Guidelines for
applicants

Directive 2014/24/EU on public procurement

Article 2

Definitions

1. For the purposes of this Directive, the following definitions apply: [...]

(4) '**bodies governed by public law**' means bodies that have all of the following characteristics:

- (a) they are established for the specific purpose of meeting needs in the **general interest**, not having an industrial or commercial character;
- (b) they have **legal personality**; and
- (c) they are **financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law**; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

Option 1. Who are the contracting entities?

Let's see an example

Association for the protection of our rivers

Based in Romania

Income in 2023: 1.000.000 Lei

Income from public bodies: 400.000 Lei

Option
2

Grant
awarded!

Association for the protection of our rivers

Based in Romania

Income in 2024: 1.500.000 Lei

Income from public bodies: 800.000 Lei

Option
1

NGOs, associations, private foundations, etc. may be or become “*bodies governed by public law*”

Annex II of the Financing Agreement

Preparation

- Preliminary steps
- Joint procurement
- Procurement documents
- Access to documents and time limits to provide additional information

Technical specifications and criteria for assessment

- Technical specifications
- Award of contracts
- Exclusion and selection criteria
- Economic and financial capacity
- Technical and professional capacity
- Award criteria

Submission, evaluation and award criteria

- Time limit for procedures
- Contacts during the procurement procedure
- Submission, electronic communication and evaluation
- Abnormally low tenders
- Results of the evaluation and award decision
- Information to candidates and tenderers
- Cancellation of the procurement procedure
- Standstill period before contract signature

Contract performance

- Performance and contract modifications
- Performance and retention guarantees

**Structured
compilation of the
rules in the Financial
Regulation**

New rules on procurement

TESIM

PRAG should **not** be used

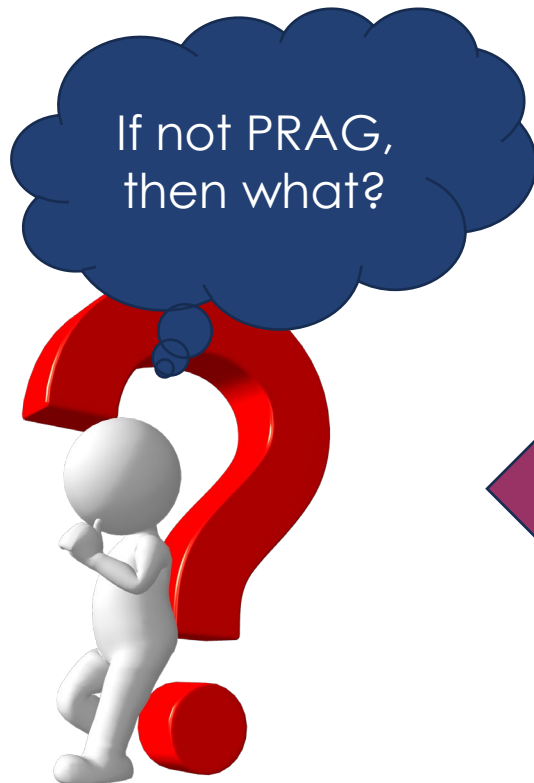
Use of **national procedures** in partner countries **not** envisaged

Rules of nationality and origin disappear

Procurement rules are in Annex II to the Financing Agreement

If not PRAG, then what?

Procurement toolbox under development



1

Check if you comply with the criteria for being or becoming a “body governed by public law”.

2

If you intend to be a Lead Partner, ensure that all your partners in Romania identify their legal status in regard to procurement, and all your partners in Republic of Moldova understand the new procurement rules.

3

In a context of extensive use of simplified cost options (staff + office and administrative costs), compliant procurement procedures is even more important.

Keep calm and check before procuring!!

Remember to:

Follow us on    

*Visit our website, check our library and take a tour in our exhibition of projects
Subscribe to our bulletin and to our “News from the Regions”*

Because neighbours matter!