

## **INTERNAL GUIDELINES OF THE GZS**

### **ON THE PROCEDURE FOR PROCUREMENT CONTRACTS NOT COVERED BY PUBLIC PROCUREMENT LAW WHERE PUBLIC FUNDS ARE INVOLVED**

NOTE: This is English Machine (DEEPL) translation of the original document written in Slovenian language!

- 1) The Chamber of Commerce and Industry of Slovenia (GZS) is a private law entity and is not subject to public procurement obligations. In cases where the source of funding for various activities of the Chamber, in particular project work, is mostly (more than 50%) co-financed by public funds, the guidelines as set out below shall apply. The guidelines shall also apply in the event that the co-sponsor explicitly requires the application of public procurement principles, irrespective of the amount of co-financing. In this case, point 7 of these Guidelines may also be applied.
- 2) These guidelines provide recommendations for the implementation of procedures for the procurement of goods or services not subject to statutory public procurement rules.
- 3) The Guidelines may be applied in cases where the Chamber of Commerce and Industry as:
  - the applicant of a project (co-)financed by public funds, or
  - a partner in a project (co-)financed by public funds, or
  - on the second basisprovides for the use of **public funds** to pay for purchases from external suppliers or contractors.
- 4) Public funds are any funds from a municipality, the state or the EU or other public organisations. Public funds for the purpose of applying these Guidelines do not include public funds intended for the exercise of public powers or concessions, unless otherwise provided for in a public act.

#### GENERAL PART

- 5) All amounts quoted in these guidelines are net amounts, which means that VAT is not included.
- 6) Procurement procedures in accordance with these Guidelines must respect the principles of transparency, economy and equity.
- 7) It is recommended that these guidelines be applied in those cases where the rules of the tenders in which the Chamber of Commerce and Industry has successfully applied and through which it receives public funds do not lay down specific rules, procedures or forms for the procurement of goods or services.
- 8) If the Chamber of Commerce and Industry has long-term contracts with suppliers for the purchase of a particular type of goods or services, the application of the guidelines is not reasonable, unless the rules of the (co-)funder provide otherwise.
- 9) The annex to these guidelines are forms that may be used in the case of procurement procedures to which these guidelines apply.

#### THE PROCEDURE FOR PURCHASING GOODS OR SERVICES

- 10) It is recommended that the procedure for the purchase of goods or services should start with a proposal for the purchase of goods or services (Purchase Proposal - Form I) and the collection of at least three written tenders.
- 11) It is recommended that a procurement proposal, which in practice represents an identified need for the services or goods for which the procedure is being conducted, should include at least:
- 12)

- Type of goods, services
- Indicative price excluding VAT and including VAT
- Justification of needs.
- Written tenders collected.

13) The person responsible for managing the process for each purchase of goods or services should:

- Preliminary market analysis, if necessary and reasonable (e.g. not necessary for the purchase of books or publications, or for a single order below a certain value provided for in the table in Article 13)
- Prepare a proposal on the criteria for participation (technical specifications, definition of needs, conditions for participation, experience, references, originality, applicability, etc. in the case of original work).
- Prepare a proposal for selection criteria based on the most economically advantageous tender, which may include a price criterion and other qualitative criteria

14) The procurement procedures covered by these guidelines vary according to value.

Border Contract values (excluding VAT)	Market Verification	Procedure	Forms
over EUR 10 000	DA	Collection of at least three written tenders. Preparation of a proposal for procurement. For values above EUR 40,000, the call for tenders is published on the OE website.	Form 1 In primer Commission Form 3
€2.5000 - €9.999	DA	Collection of at least two written tenders. Preparation of an endorsement on price controls.	Form 2
€500 - €2,499	DA ad value R 500	Price verification endorsement	Form 2
0 EUR - 499 EUR	NO	Direct select ion of tenderer (for smaller purchases)	/
Whatever the value	NO	Direct selecti on Provider (exclusive contract, etc.)	/

15) It is advisable to carry out a procedure for the submission of at least three (3) written tenders in cases where the estimated value of the goods or services exceeds EUR 10 000. A proposal for the purchase of goods or services (Form 1) shall be drawn up to this effect. For contracts with a value of more than EUR 40 000, the call for tenders shall be published on the website of the organisational unit carrying out the project or on the Chamber of Commerce and Industry's web portal.

- 16) It is advisable to carry out a procedure for the submission of at least two (2) written tenders in cases where the estimated value of the goods or services is higher than EUR 2,500 and lower than EUR 10,000. A market price check record (Form 2) shall be drawn up at the same time.
- 17) Contracts up to €2,500 may be awarded without obtaining written tenders (telephone, direct information, online information, etc.). In this case, a written or electronic record of the tenderer, the value of the tender and the method of obtaining the tender must be entered in the register - the market price check record (Form 2).
- 18) In the procedure for the submission of written tenders, it is advisable to publish the invitation to tender on the website of the Chamber of Commerce and Industry, in the Chamber of Commerce and Industry's media, in other means of public communication or to send it directly to potential suppliers or service providers.
- 19) The invitation to submit written tenders should include in particular:
  - the subject of the contract,
  - the deadline by which tenders must be received,
  - the conditions for participation,
  - selection criteria

#### **SELECTION PROCEDURE**

- 20) It is reasonable, at least in the case of three written tenders and an amount of more than EUR 10 000 (in accordance with point 14), to set up a selection panel for the purpose of selection. The committee should consist of three members, one of whom should be the chairman of the committee.
- 21) The Commission is asked to examine the tenders to determine whether they meet the conditions for participation. From these, it evaluates the tenders on the basis of the criteria and selects the most economically advantageous tender.
- 22) The Commission should draw up a report on the procedure and the selection, which should include in particular:
  - a list of tenderers
  - date of opening of tenders
  - an indication of the tenders received
  - evaluation of tenders
  - a justification (proposal) of the successful tender.

The report (Form 3) shall be drawn up as an annex to Form 1.

- 23) Before notifying the successful tenderer of the selection, if the tender exceeds the amount specified in the Chamber of Commerce's financial management rules (EUR 2,500), it is advisable to obtain the approval of the Director General of the Chamber of Commerce and Industry (Form 1) before selecting the successful tenderer.
- 24) If the invitation to tender does not result in a sufficient number of tenders, the procedure may be repeated. Nevertheless, the responsible person of the contracting authority may decide to consider a smaller number of tenders received or even a single tender, which he/she may select in accordance with point 6 of these Guidelines.

- 25) It is recommended that all purchases of goods or services above €2,500 are covered by a written contract. In accordance with the financial management rules of the Chamber of Commerce and Industry, the Director General of the Chamber of Commerce and Industry is a co-signatory and the contract is reviewed by the Legal Service and the FRS. A written contract will be concluded in the case of a contract for copyright work or a subcontract, regardless of the amount of the fee or remuneration.
- 26) Direct selection of a supplier of goods or services makes sense in cases where no prior market analysis is necessary or reasonable, or where the contract is urgent or involves trust services (legal advice, insurance services, exclusive contracts, etc.), or where the amounts involved are less than €500 or where it is clear in advance that there is only one supplier on the market. In this case, the responsible person shall make a procurement decision in accordance with the principle of good economy and in accordance with point 6 of these guidelines (e.g. an explanatory note should be prepared, possibly as part of Form 2).

**FINALLY:**

- 27) In all cases, the rules of the Chamber of Commerce and Industry on financial management shall be complied with in the award of the contract. No order may be placed without a purchase order or contract. An electronic written communication or an online purchase may also be considered as a purchase order, provided that it clearly and unambiguously implies acceptance of the tender, which contains the subject-matter of the contract and the price, as well as full details of the tenderer.
- 28) The contracting authority may not divide a procurement contract or form it into several procurement contracts in order to avoid the application of the rules of these Guidelines in relation to the thresholds of the subject-matter of the procurement contract, unless the division is justified on objective grounds.
- 29) Records for management and reporting purposes on a project co-financed by public funds shall be kept by the person responsible for the management of the project.
- 30) The Financial Accounting Service and the archives keep records of the contracts concluded.
- 31) On completion of the procedure, the responsible person shall hand over all documentation relating to the procurement procedure in accordance with these guidelines to the archives for safekeeping. The documentation shall be kept in accordance with the regulations and general acts and the tender conditions and requirements.
- 32) These Guidelines shall enter into force when signed by the Director General of the Chamber of Commerce and Industry and shall apply from 1 April 2021.
- 33) With the adoption of these Guidelines, the Internal Guidelines of the Chamber of Commerce and Industry on procurement procedures not subject to public procurement law when disposing of public funds dated 28.08.2017 shall cease to apply.

In Ljubljana, 31.3.2021

**Director-General of the Chamber of Commerce and Industry of Slovenia**

**Mitja Gorenšček**

**Annexes:**

- Form 1 - Purchase Proposal
- Form 2 - Market price check record
- Form 3 - Report on the tendering procedure and proposal for the award of the most advantageous tender