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Procurement Guidelines for the Final Recipients under EmBRACE project

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These Procurement Guidelines set the minimum requirements for procurement procedures in EmBRACE Small Project that all FR's must respect. All FR's must comply with the rules of the procurement procedure described in this document, while non-compliance with the rules specified in this document may have financial consequences. In this sense, this document seeks to determine minimum rules that will ensure that FR's implement procurement procedures in an appropriate manner and in accordance with procurement rules at all levels (EU, Programme and national).

FR's are obliged to carry out the procurement of services, supplies and works with the **attention of a good businessman**, while taking care of the **rational and efficient spending of the allocated funds** in such a way that the goods, works and services they procure correspond to the purpose of the Small Project.

FR's are obliged to take all measures in accordance with the principle of rational and economical spending of funds in the context of price comparison and the current market value of the procurement item.

FR's are obliged to act according to the principle of **avoiding conflicts of interest**. The principle of avoiding conflicts of interest is applied in such a way that persons who have a conflict of interest in relation to related companies and related persons are excluded from the procurement process, i.e. appropriate measures are applied to eliminate the conflict of interest, except in the case when the related company or related person is the only one that can deliver supplies, works or services due to technical reasons or reasons for the existence of exclusive rights to the item being procured. The stated circumstances are proved by the FR.

FR's are obliged to **respect the principle of proportionality** and thereby ensure that any measure that is chosen is necessary and appropriate with regard to the purpose of the procurement.

FR's must act in **respecting the principle of transparency, equal treatment and non-discrimination**, which ensures impartial, objective and complete treatment of all participants in all phases of the procurement process.

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PROCUREMENT PROCEDURES

a) Costs less than or equal to EUR 2.500,00

For the procurement of supply and services or works whose total estimated value, excluding VAT, is **less than or equal to EUR 2.500,00** in respect of items of expenditure may be carried out simply **as payment against invoices**.

FR procures items directly from a supplier on the market, for whom FR knows that can provide them.

b) Costs above EUR 2.500,00 and less or equal to EUR 20.000,00

For the procurement of supply and services or works whose total estimated value, excluding VAT, is **above EUR 2.500,00 and less or equal to EUR 20.000,00** FR can conclude **written contract or a purchase order** may be issued. The contract or the purchase order shall serve as evidence of the execution of the procurement.

The procurement process starts with FR sending a Request for Offer to one potential supplier, including the required specifications. This supplier may be the same or a different one who provided a non-binding offer as part of the documentation for the Small Project application, However, **it is essential that the FR requests a new offer** as part of the procurement procedure. Please note that the offer obtained and submitted with the project application does not constitute a procurement procedure and cannot be considered as such, as its purpose was solely to determine prices for the purpose of preparing the project budget.

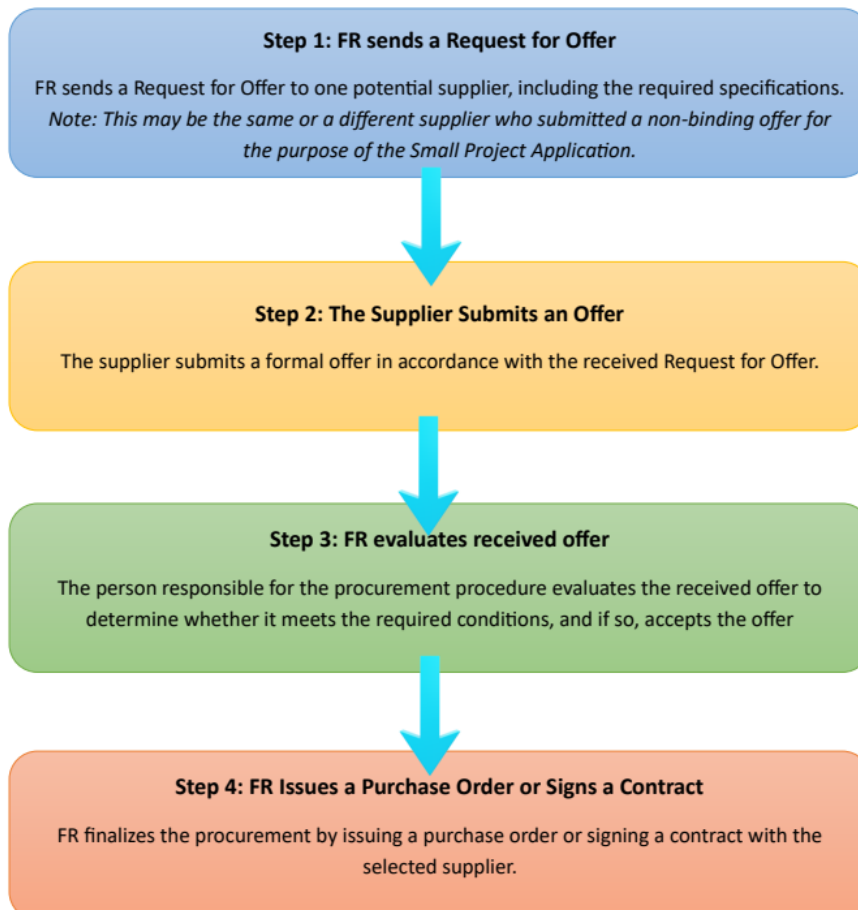
Next, the supplier submits a formal offer in response to the Request for Offer. If the offer is acceptable, FR formalizes the procurement by issuing a purchase order or signing a contract with the selected supplier.

The value of the contract or purchase order should be expressed in absolute numbers (with and without VAT).

If FR accepts an offer higher than the estimated procurement value, care should take into consideration that such an offer does not exceed the highest threshold for this procedure.

In the procurement process with one tenderer, FR is obliged to refuse to conclude a contract or cancel the purchase order, if it determines that the offered price exceeds the threshold of EUR 20.000,00.

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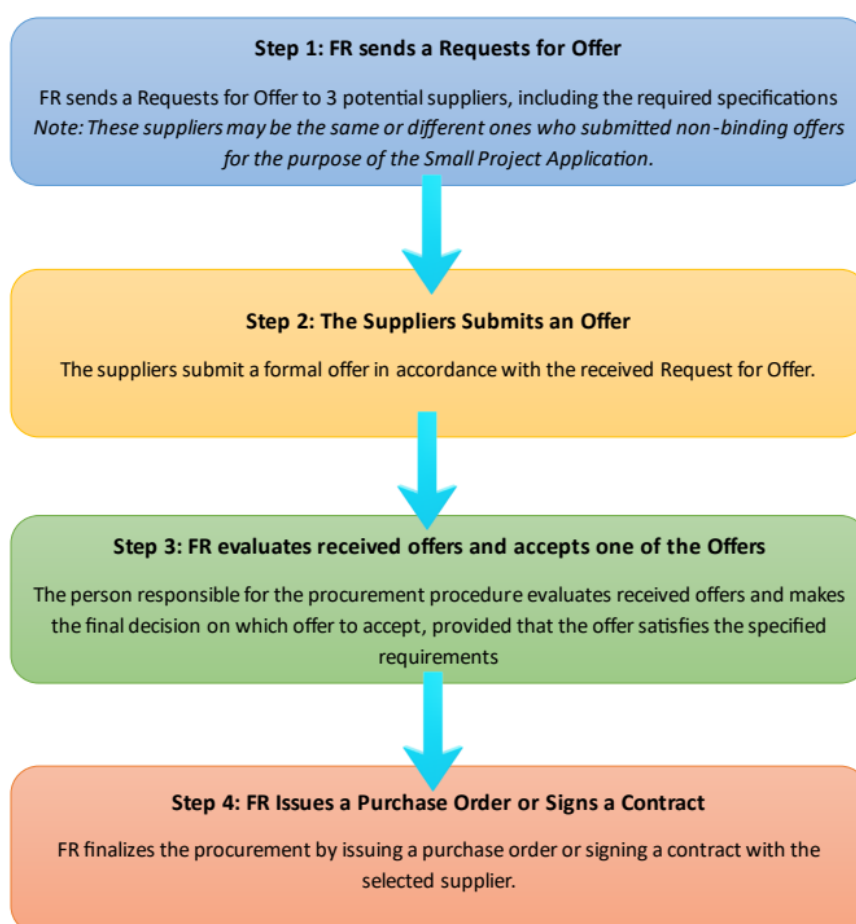
c) Costs above EUR 20.000,00

For the procurement of supply and services or works whose total estimated value, excluding VAT, is **above EUR 20.000,00** FR must send, via e-mail, **Inquiry for offers** to at least three (3) potential tenderers.

The procurement procedure begins with FR sending a Request for Offer to three potential suppliers, including all required specifications. These suppliers may be the same or different ones who submitted non-binding offers for the purpose of the Small Project Application. However, **it is essential that the FR requests a new offers** as part of the procurement procedure. Please note that the offers obtained and submitted with the project application does not constitute a procurement procedure and cannot be considered as such, as its purpose was solely to determine prices for the purpose of preparing the project budget.

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The person responsible for the procurement procedure evaluates the received offers and makes the final decision on which offer to accept, provided that the offer satisfies the specified requirements. The process concludes with FR issuing a purchase order or signing a contract with the chosen supplier.



If only one (1) valid offer is received, the FR can conclude procurement procedure and sign Contract **or a purchase order** with that one supplier.

To all the potential tenderers the same e-mails with the same information must be sent at the same date.

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If there will be questions from potential tenderers, all the questions with answers must be sent to all the potential tenderers to whom the Call for offers was sent (without specifying who asked the question).

Documentation in procurement procedures

FRs should have and retain the following documentation in relation to procurement procedures (depending on the applicable procurement procedure) for reporting purposes and audit trail, in accordance with the document retention periods:

- Inquiry for offers (can be in the form of e-mail (or separate document attached to an e-mail, and all e-mails with the Inquiry sent to potential tenderers
- Offers received (with all attachments, if applicable)
- Declaration of absence of conflict of interest (for person/persons from the FR involved in the procurement procedure)
- All correspondence received and sent in case of questions or requests for clarification of conditions by potential tenderers
- Contracts concluded, invoices, purchase orders (originals and scans)
- All other documentation prescribed by the FR in the inquiry for tenders, purchase order or Contract.

Contents of the Request for Offer

The **Request for offers** shall contain at least (also can be applied in order or purchase order):

- name and address and contact information of the FR
- basic information on the subject of the procurement
- technical specifications and/or job description and/or all relevant technical details of the subject of the procurement
- data on the type, scope and general nature of the works; type, quantity and method of delivery of supplies; description and scope of services to be provided
- place of execution/performance of works, delivery of supplies or provision of services
- deadline for execution of works, delivery of supplies, or provision of services

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- deadline for submission of offers which may not be shorter than 8 calendar days (date and time)¹
- method of submission of offers (e-mail, postal, ...)
- address (postal or electronic) to which offer are to be submitted
- name, surname, telephone number and electronic address of the contact person.

The inquiry to offer may include a request for a guarantee, but this is not a mandatory requirement. In the case that a guarantee is requested, the guarantee must be provided within the time limit, in the form, in the amount and for the period of validity required by the invitation to tender.

FR is obliged to describe the subject of procurement in a clear manner, enabling tenderers to submit offers that fully reflect the needs of FR for the stated subject of procurement, as well as the comparability of the offers in relation to the requirements FR has set.

In the **case of mentioning brands** in the description of the procurement item, FR is obliged to **enable the offering of equivalent** products with the **mandatory mention of the terms "or equivalent", "like", "type", "similar", etc.**

If the FR will conclude a written Contract or purchase order with the selected tenderer, it is necessary to pay attention that all the obligations must be fulfilled in accordance with the Contract or purchase order (especially in relation to the terms and the deadlines for execution and delivery stated in inquiry). If the FR decides to request security means (e.g. guarantees) from potential tenderers for proper execution, pay attention that the requested is in accordance with the duration of FRs Small Project.

Annexes to Procurement Guidelines:

ANNEX 1. Declaration of no conflict of interest for non-obligators of the procurement act

¹ The deadline shall commence on the first day following the date of sending or publication of the Invitation to tender. If the last day of the deadline falls on a public holiday, Saturday or Sunday, the deadline shall expire on the first following working day.