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Procurement Policy IN TOUCH UKRAINE FOUNDATION

Send feedback and suggestions
regarding this Policy
to the e-mail address:
tender@intouch.org



IN TOUCH

Ukraine Foundation



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PROCUREMENT POLICY IN TOUCH UKRAINE FOUNDATION

I. General provisions

The procurement of goods, works and services by the public organization "IN TOUCH UKRAINE FOUNDATION" (hereinafter "GO") is carried out under the conditions and in the order determined by this Policy and compliance with the requirements of the current legislation of Ukraine in the field of Civil and Commercial Law.

This Policy defines:

- procurement principles and rules;
- procurement procedures, procedure and conditions of their application;
- procurement control procedures, as well as the responsibility of recipients and procurement participants for violations of established procurement procedures.
- necessary ethics and behavior of all participants in the procurement process.

This Policy applies to purchases that are made for the purpose of ensuring the work of the NGO and that are necessary within the scope of the implementation of projects that are fully or partially financed from donor funds, including projects that are financed from fundraising funds.

Procurement is carried out to ensure the effective operation of the NGO and the provision of activities of the NGO with goods and services of the required quantity and quality.

The public organization "IN TOUCH UKRAINE FOUNDATION" procures goods and services based on the principles and procedures established by this Policy. All processes related to the procurement and supply of goods and services must remain simple, efficient, transparent, fair, reliable and comply with the Policy and current legislation of Ukraine.

For clarification on the application of the Policy, you can consult the office of the Public Organization "IN TOUCH UKRAINE FOUNDATION", e-mail: tender@intouch.org.

Objectives of this Policy:

- Establishment of procurement mechanisms of NGO for the supply of goods and services, based on the principles of transparency, competitiveness and cost-effectiveness;
- Determination of the functions of the responsible persons of the NGO within the framework of procurement procedures;
- Outline of the mechanisms of interaction between NGOs, donors and suppliers of goods and services within the scope of procurement and fulfillment of contractual obligations under concluded contracts.
- Establishing uniform standards and improving the efficiency of interaction between responsible persons of NGOs and donors during the procurement process;
- Ensuring the transparency of cooperation, aimed at protecting the rights of the parties to the organization and conducting procurement, the absence of fraud, equality and equal opportunities, ensuring gender equality during the procurement procedure.

I.1. Basic principles of procurement

This Policy is based on the following basic procurement principles:

The principle of fair competition. It is implemented by conducting procurement on a competitive basis by comparing similar offers from suppliers according to pre-approved criteria and choosing the best offer that would meet the policies of "IN TOUCH UKRAINE FOUNDATION".

The principle of transparency. Openness and transparency at all stages of procurement involves the publication of documents related to procurement procedures on the web portal of the authorized body and free access to them. These principles are important at every stage of the procurement process, providing a favorable environment for competition. The NGO ensures free access of all participants to the procurement information provided for in this Policy.

The principle of equality and non-discrimination. It consists in the fact that the conditions, methods, criteria and procedure for determining the supplier of a particular product are established in advance and are the same for all participants, and non-discriminatory access to the procurement procedure and fair conditions are ensured for all procurement participants. The NGO has no right to impose any discriminatory requirements on participants.

The principle of economic efficiency. It allows to achieve the maximum final result by purchasing the necessary goods, works and services, the necessary quality and quantity with the maximum economic benefit, but in any case, the policy "IN TOUCH UKRAINE FOUNDATION" should be in priority.

The principle of objectivity and impartiality. It means that the authorized persons of the NGO ensure an objective and impartial determination of the winner of the procurement procedure.

Prevention of corruption and misuse. It provides that the authorized persons of the NGO should not allow a conflict of interests during procurement.

II. Organization of procurement

II.1. Organizational structure and responsibilities of the NGO staff during procurement

To ensure the procurement procedure, obtaining requisites, receiving proposals, authorizing invoices and making expenses, the appropriate division of duties has been drawn up.

Procurement is carried out by the Authorized Person (hereinafter - "AP") on the basis of the decision of the Chairman of the Board of the NGO. The Authorized Person is determined or appointed by the Chairman of the NGO based on a joint decision of the members by the Management Board of the NGO in one of the following ways:

- by assigning the functions of an Authorized person to an employee (employees) from the full-time staff of the NGO.
- by introducing a separate (separate) position(s) into the staff list, which will be entrusted with the duties of performing the functions of the Authorized person (authorized persons), in particular within the scope of the implementation of projects financed by donors.
- by concluding an employment or business contract.

When using the electronic procurement system, the AP enters personal data into the electronic procurement system, gives consent to their processing and updates such data in case of changes. Personal data entered by the AP into the electronic procurement system are not public.

The determination or appointment of the AP should not create a conflict between the interests of the NGO and the procurement participant or between the interests of the participants in the procurement procedures, the presence of which may affect the objectivity and impartiality of decision-making regarding the selection of the winner of the procurement procedure.

During the organization and conduct of procurement procedures, the authorized person must ensure the objectivity and impartiality of the process of organization and conduct of procurement/simplified procurement procedures in the interests of NGOs.

The Authorized person carries out his activities on the basis of the labor or economic contract concluded with the NGO or the administrative decision of the Chairman of the Management Board of the NGO and the corresponding provision. The Authorized person must have a higher education, usually a legal or economic education. If several authorized persons are identified, the delimitation of their powers and duties determined by a decision of the Board of the NGO.

Authorized persons can undergo training on the organization and implementation of public procurement, including remote procurement on the Internet. In order to perform his functions, the authorized person confirms his level of possession of the necessary knowledge in the field of public procurement by passing a free test on specialized Internet resources.

For the preparation of tender documentation for procurement, the Authorized Person may involve other employees of the NGO.

Below are the functions of NGO employees who may be involved in the organization of procurement:

II. ORGANIZATION OF PROCUREMENT



<p>Chairman of the Board of the NGO</p>	<ul style="list-style-type: none"> • appoints the Authorized person/persons for procurement; • initiates procurement in accordance with the needs of the NGO or for the implementation of projects and programs within the NGO; • entrusts procurement to the Authorized Person; • participates in the qualification of procurement participants and in the selection of contractors; • signs contracts with contractors for the supply of goods and services.
<p>Authorized person</p>	<ul style="list-style-type: none"> • chooses the procurement procedure in accordance with the cost and specifics of the procurement; • ensures drafting, approval and storage of documents related to public procurement; • will conduct the qualification of procurement participants and determine the procurement winner; the decisions of the authorized person are formalized in a protocol indicating the date of the decision, which is signed by the authorized person. • prepares and ensures the signing of contracts with procurement winners; • monitors the execution of contracts and the proper execution of acts of completed works and reporting documents on purchases.
<p>Project manager</p>	<ul style="list-style-type: none"> • initiates procurement for the implementation of projects and programs within the NGO; • assists the Authorized Person in the preparation of tender documents; • monitors the proper execution of works/supply of goods or services by contractors within the framework of project implementation.
<p>Lawyer</p>	<ul style="list-style-type: none"> • assists the Authorized Person in the preparation of documents necessary for procurement; • assists the Authorized Person in the preparation of contracts with contractors.
<p>Accountant</p>	<ul style="list-style-type: none"> • within its competence takes measures regarding the timely conduct of financial transactions for the fulfillment of contracts; • makes payments according to contracts with contractors.

II. ORGANIZATION OF PROCUREMENT



According to the decision of the Management Board of the NGO, Working group of employees of the NGO can be formed to consider tender proposals. If a Working group is formed, the Authorized person is its head and organizes its work. The Working group takes part in the consideration of tender proposals, in conducting negotiations in the event of a negotiation procedure, and the decision of the Working group has an advisory nature.

If the procurement is carried out with state funds, the following categories of persons cannot be the Authorized Person on Procurement and/or be a member of the Working Group:

- officials and representatives of members of NGOs, members of their families;
- people's deputies of Ukraine;
- deputies of city, district councils in cities, district, regional councils.

Control over the implementation of the provisions of this Policy by all employees participating in the procurement process and monitoring of its compliance is carried out by the Chairman of the Board of the NGO, who can delegate, in appropriate cases, responsibility for this function to the employees of the NGO in accordance with their qualifications.

III. Procurement procedures

All planned purchases of the NGO "IN TOUCH UKRAINE FOUNDATION" are carried out within the scope of activities approved by annual work plans, project budgets and the budget of the NGO, in accordance with the needs and goals of the NGO's activities.

Purchases carried out within the framework of projects financed by international technical assistance programs are carried out in accordance with the donor's requirements and rules, which are prescribed in contracts, donor policies, clarifications, technical tasks, etc. If the donor does not have procurement requirements and rules, the NGO applies the rules and regulations of this Policy.

III.I. Procurement initiation

The initiator of procurement can be the Chairman of the Board of the NGO or the manager of a specific project of the NGO, for the implementation of which procurement is required, in agreement with the Chairman of the Board of the NGO. Purchases are initiated by notifying the Authorized Person about the need for the purchase.

All procurement documents (tender documents) are prepared by the Authorized Person with the involvement of the necessary technical specialists, managers, accountants and lawyers of the NGO, if necessary.

III.II. Organization of procurement

The NGO determines the following priority types of purchases:

Type of purchase	Application	Procedure
Direct purchases	It is used for the purchase of goods and services worth up to UAH 15,000.	Signing the contract with the contractor and paying the contractor based on the provided acts of completed works/invoices.
Price quotation	It is used for the purchase of goods and services with a value of UAH 15,000 or more. up to UAH 200,000	Procedure algorithm: 1. Specification of the subject of purchase; 2. Submission of suppliers' proposals; 3. Selection of a supplier with an economically advantageous offer; 4. Conclusion of a purchase agreement; 5. Publication of the Report on the Evaluation of Proposals.

<p>Tender</p>	<p>It is used if the expected purchase price is more than UAH 200,000. It is conducted with use of open electronic platforms for publication</p>	<p>The tender consists of the following stages:</p> <ol style="list-style-type: none"> 1. Publication of the announcement; 2. Clarification of information by potential participants; 3. Submission of proposals; 4. Consideration of proposals; 5. Determination of the winner; 6. Signing a contract; 7. Publication of the report on the evaluation of proposals.
<p>Negotiation procedure</p>	<p>It is used when:</p> <ul style="list-style-type: none"> • bidding was canceled twice; • works, goods or services can be performed by only one contractor; • urgent need; • after the conclusion of the contract, the supply of additional goods from the same supplier is required; • procurement of legal services related to the protection of the rights and interests of Ukraine. 	<p>It is used as an exception when the previous 2 procurements for particular goods or services were failed, and according to which the NGO concludes a procurement contract after conducting negotiations on the price and other terms of the procurement contract with one or more participants in the procurement procedure.</p>

Price quotation. According to this procedure, the NGO selects the supplier and purchases the goods, if the purchase price is from UAH 15,000. up to UAH 200,000 The legislative basis for conducting such purchases is Order No. 822, established by the Cabinet of Minister of Ukraine dated September 14, 2020. The algorithm for the procedure for requesting price offers is as follows:

1) Development of the Notice of request for price quotations.

The authorized person must develop a Notice of Request for quotations from potential suppliers, which must contain:

- product/service name;
- quantity of goods/services;
- technical specifications of goods/services;
- delivery time, place,
- method of delivery; terms of payment;
- the deadline for submission of price offers by suppliers.

The authorized person searches for potential suppliers of specified goods, services or works and sends a Notice of Request for Quotations to potential suppliers - at least 3 suppliers. On the same day, the authorized Person publishes the Notice on the website of the NGO or on open electronic platforms.

2) Submission of suppliers' proposals.

The deadline for submitting suppliers' proposals must be at least 3 (three) working days.

Each participant has the right to submit only one price offer. The price offer is submitted in electronic form, documents must be certified by the supplier's signature and stamp/electronic digital signature.

The authorized person has the right, on his own initiative or as a result of appeals, to make changes to the request for price offers by extending the deadline for submission and disclosure of price offers and to notify all persons to whom the said changes were made within the 1st (one) working day from the date of adoption of the decision to make the said changes request for quotations.

3) Selection of a supplier with an economically advantageous offer.

Quotations are disclosed at the time specified in the Notice of Request for Quotations. During the disclosure of price offers, a protocol is drawn up according to the form.

The general term for consideration of price offers and determination of the winner of the procurement procedure should not exceed 5 (five) days from the day of opening of price offers. The winner of the quotation request procedure is the participant who submitted the proposal that meets the requirements specified in the Notice of Request for Quotations and has the lowest price. The authorized person accepts the price offer on the day of determining the winner.

The authorized person draws up the Protocol for the selection of price offers based on the evaluation results and publishes it on the website of the NGO and/or other open electronic platforms where the procurement was announced.

Within the 1st (one) working day from the day of the decision on the determination of the winner, the authorized person is obliged to send the winner of the procurement procedure a notice of acceptance of the price offer. The notice of acceptance of the price offer is published on the web portal of the NGO and/or other open electronic platforms where the purchase was announced.

4) Signing the contract.

The NGO shall conclude a contract with the winner for the supply of goods, works or services in accordance with the main terms of the contract specified in the Notice of Request for Price Offers within 20 (twenty) working days from the date of the determination of the winner.

In the event of the winner's written refusal to sign the purchase contract or failure to conclude the purchase contract due to the participant's fault within the terms specified in this Policy, the authorized person will accept the lowest price offer from among other price offers whose validity period has not yet expired. The authorized person rejects the price offers, if they do not meet the requirements specified in the Notice on the request for receiving price offers. The authorized person can cancel the purchase in case of receiving less than 2 (two) price offers from suppliers.

Tender. A tender is a special procurement procedure. It is applied if the purchase price is more than UAH 200,000. The tender announcement is made by publishing the Procurement Announcement by the authorized person on open electronic platforms and/or the website of the NGO. During the tender, all interested persons have the right to submit tender offers. At least two tender proposals must be submitted for a tender.

The tender consists of the following successive stages:

1) Publication of the tender announcement.

The announcement of open bidding must contain the following information:

- name, location and identification code of the NGO in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, its category;
- the name of the procurement subject with the code according to the Unified Procurement Dictionary (in the case of division into lots, such information must be indicated for each lot) and the names of the relevant classifiers of the procurement subject and parts of the procurement subject (lots) (if available);
- quantity and place of delivery of goods, volume and place of performance of works or provision of services;
- expected value of the purchase item;
- term of delivery of goods, performance of works, provision of services;
- deadline for submission of tender proposals;
- terms of payment;
- the language(s) in which tender offers must be prepared;
- the size, type and conditions of providing security for tender offers (if required);
- date and time of opening of tender offers;
- the size of the minimum price reduction step during the electronic auction in the range of 0.5 percent to 3 percent of the expected purchase price or in monetary units;
- mathematical formula for calculating the quoted price (if applicable).

Other information may be specified in the tender announcement.

Requirements for the subject of procurement, determined by the NGO, can be specified by uploading separate files (annexes) to the Tender Announcement.

In the requirements for the subject of procurement containing a reference to a specific trademark or firm, patent, design or type of the subject of procurement, its source of origin or manufacturer, the CA may indicate which analogues and/or equivalents are accepted in the offers of participants.

Tender announcements and requirements for the subject of procurement should not contain requirements that limit competition and lead to discrimination of participants. The requirements for provision of security for the offer and security for the execution of the purchase contract are defined in the Memorandum of Understanding.

2) Clarification of information by tender participants.

During the period of clarification of information, tender participants have the right to apply to the authorised person for clarification regarding the information specified in the Tender Announcement regarding the requirements for the subject of procurement and/or to apply to the authorised person with a request to eliminate the violation during the tender.

Within 3 (three) working days from the day of their publication, the authorised person is obliged to provide clarifications to the appeals of the tender participants, which are published on open electronic platforms, and/or to make changes to the announcement of the tender, and/or to the requirements for the subject purchases

In the case of changes to the Tender Announcement, the deadline for submitting proposals will be extended by the UO on open electronic platforms for at least 2 (two) working days.

The authorised person has the right to make changes to the Tender Announcement and/or requirements for the subject of procurement on its own initiative.

3) Submission of proposals by participants.

Proposals are submitted by participants after the expiration of the period for clarifying the information specified by the authorised person in the Tender Announcement, in electronic form by filling out electronic forms with separate fields, where information about the price and other evaluation criteria are indicated, and by uploading the necessary documents through open electronic platforms that confirm compliance with the requirements defined by the authorised person.

Each participant has the right to submit only one offer, including for the part of the procurement subject (lot) specified in the Tender Announcement.

Participants' proposals submitted after the deadline for their submission will not be accepted.

The participant has the right to make changes or withdraw his offer before the deadline for submission of offers.

4) Consideration of participants' proposals for compliance with the conditions specified in the Tender Announcement and requirements for the subject of procurement.

The authorised person considers the participants' proposals for compliance with the conditions specified in the Tender Announcement and the requirements for the subject of procurement. The term of consideration of the most economically advantageous offer should not exceed 7 (seven) working days from the day of completion of the acceptance of offers.

The procurement participant with the most economically advantageous offer that meets the procurement requirements is selected as the procurement winner.

The authorised person requires the participants of the procurement procedure to submit documented information about their compliance with the qualification criteria.

The authorised person establishes one or more of the following qualification criteria:

- the procurement participant has necessary equipment, material and technical base and technologies;

- availability of employees of appropriate qualifications who have the necessary knowledge and experience at the participant of the procurement procedure;
- availability of documented experience in the execution of a similar (similar) procurement contract (contracts);
- availability of financial capacity, which is confirmed by financial statements.

If, for the procurement of works or services, the authorised person establishes a qualification criterion such as the availability of equipment, material and technical base and technologies and/or the availability of employees who have the necessary knowledge and experience, the participant may, in order to confirm its compliance with such a criterion, involve the capabilities of other business entities such as subcontractors/co-contractors.

The participant who submitted the most economically advantageous tender offer, which is abnormally low, must provide, within one working day from the date of determination of the most economically advantageous tender offer, justification in any form regarding the prices or cost of the relevant goods, works or services of the tender offer. The authorised person may reject an abnormally low tender offer if the participant has not provided adequate justification for the price or value specified in it, and rejects an abnormally low tender offer in the absence of such justification.

The rationale for an abnormally low tender offer may include information about:

- achieving savings due to the applied technological process of production of goods, order of service provision or construction technology;
- favorable conditions under which the participant can supply goods, provide services or perform work, in particular, a special price offer (discount) of the participant;
- receiving state assistance by the participant in accordance with the law.

In the case of rejection of the most economically advantageous offer, the authorised person considers the next offer of the participant who, based on the results of the evaluation, submitted the next most economically advantageous offer.

The authorised person rejects the offer if:

- the participant's offer does not meet the conditions specified in the Tender Announcement and the requirements for the subject of procurement;
- the participant who was determined to be the winner of the procurement refused to enter into the procurement contract;
- if the participant refused to sign the procurement contract with the NGO more than twice within one year before the date of publication of the Tender Announcement.

A participant whose offer is rejected can apply to the authorised person with a request to provide additional arguments regarding the reasons for the non-compliance of his offer with the conditions specified in the Tender Announcement and the requirements for the subject of procurement. No later than 3 (three) working days from the date of receipt of such an application, the authorised person is obliged to provide an answer to it.

The authorised person draws up the Tender Evaluation Protocol, in which it must be noted:

- name, location and identification code of the NGO in the Unified State Register of Public Organizations, its category;
- tender announcement number;
- the number of sent out invitations to participate in the tender;

- number of responses received;
- the number of commercial proposals accepted for consideration;
- the decision to choose one of them or to recognize the procedure as not having taken place;
- justification of the reason for the rejection of the participant(s), in case the lowest offer is not selected;
- a decision on the relevant purchase with an indication of the results of the evaluation of the proposals of the CA.

The decision on the intention to enter into a purchase contract is made by the authorised person on the day of determining the participant as the winner of the tender. Within the 1st (one) day from the date of adoption of such a decision, the authorised person publishes on open electronic platforms where the tender was announced and/or the website of the NGO a notice of the intention to enter into a procurement contract.

The notice of intention to enter into a purchase contract must contain the following information:

- name, location and identification code of the NGO in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations;
- the name of the subject of purchase with an indication of the code and the names of the corresponding classifiers of the subject of purchase and parts of the subject of purchase (lots) (if available);
- quantity, place and term of delivery of goods, performance of works or provision of services;
- name of the tender winner (for a legal entity) or surname, first name, patronymic (for an individual);
- the price of the tender offer.

The notice of intent to enter into a purchase contract may contain other information.

The winner of the procurement procedure and other participants are sent information about the winner of the procurement procedure with the name and location of the participant on the day the participant is determined as the winner of the procurement procedure.

5) Conclusion of a contract with the winner.

The NGO may enter into a procurement contract with the participant who is recognized as the winner of the tender, the day after the announcement of the intention to conclude a procurement contract is made public, but no later than 20 (twenty) days later.

In the case of the tender winner's refusal to sign the procurement contract in accordance with the requirements of the Tender Announcement, failure to conclude the procurement contract due to the participant's fault, or failure to submit the signed contract to the authorised person within the specified period, or failure by the winner of the procurement procedure to provide documents confirming the absence of grounds for disqualification, the authorised person rejects the tender offer of such a participant, determines the winner of the tender among those participants whose tender offer has not yet expired.

6) Publication of the Report on the Evaluation of Proposals.

The authorized person prepares a Report on the evaluation of tender offers and publishes it on open electronic platforms where the tender was announced and/or on the website of the NGO.

Ensuring the execution of the purchase contract.

The authorized person has the right to ask the winner of the tender to submit, no later than the date of conclusion of the contract for the purchase of security for the performance of such a contract, if the submission of such security is provided for in the tender documentation or in the Tender Announcement.

The NGO returns the provision of performance of the procurement contract:

- after the winner of the tender executes the purchase contract;
- by a court decision regarding the return of the contract security in case the results of the tender are declared invalid or the purchase contract is null and void;
- in accordance with the conditions specified in the purchase agreement, but no later than within 10 (ten) banking days from the date of occurrence of the specified circumstances.

The amount of security for the performance of the purchase contract cannot exceed 5% of the value of the purchase contract.

The funds received as security for the performance of the purchase contract, if they are not returned to the participant, are subject to transfer to the account of the NGO.

Cancellation of the tender or recognition of the tender as having not taken place.

The authorized person cancels the tender in the event:

- lack of further need to purchase goods, works or services;
- the impossibility of eliminating violations that arose due to detected violations of legislation in the field of public procurement, with a description of such violations that cannot be eliminated.

The tender is automatically canceled in case:

- 1) Submission for participation of less than two tender offers;
- 2) Rejection of all tender offers in accordance with this Policy due to non-compliance of offers with tender requirements;
- 3) The tender can be partially canceled (per lot).

The authorized person has the right to recognize the tender as not held, in the event:

- if the purchase became impossible due to force majeure;
- reduction of expenses for the purchase of goods, works or services.

The authorized person has the right to recognize the tender as partially incomplete (by lot).

In the case of cancellation of a tender by the authorized person or recognition of the tender as not having taken place, the authorized person within the 1st (one) working day from the day of making the relevant decision notes on the open electronic platforms where the tender was announced and/or the website of the NGO the reasons for making the decision.

Negotiation procedure. The negotiated procurement procedure is applied by the NGO in the case:

1) if the procedure for requesting a price quotations or tender was canceled twice, including partially (by lot), due to the lack of a sufficient number of offers. At the same time, the subject of the procurement, its technical and qualitative characteristics, as well as the requirements for the participant of the procurement procedure should not differ from the requirements that were determined by the authorized person in the tender documentation.

2) if works, goods or services can be performed, delivered or provided exclusively by a certain business entity in the presence of one of the following cases:

- the subject of the purchase is the creation or acquisition of a work of art or an artistic performance;
- concluding a purchase agreement with the winner of an architectural or art competition;
- the lack of competition for technical reasons is documented by the NGO;
- there is a need to protect intellectual property rights;
- conclusion of a contract with a supplier of "last hope" for the supply of electricity or natural gas.

3) if the NGO has an urgent need to make a purchase in case:

- the occurrence of special economic or social circumstances related to the immediate liquidation of the consequences of emergency situations, which make it impossible to comply with the deadlines for conducting the tender;
- provision of humanitarian aid to other states by Ukraine in the prescribed manner;
- termination of the procurement contract due to the participant's fault for a period sufficient to conduct the tender, in an amount not exceeding 20% of the amount specified in the procurement contract, which was terminated due to the fault of such participant.

4) purchase of goods according to the procedure for restoring the debtor's solvency in accordance with the law;

Based on the results of the negotiations with the participant(s) of the procurement procedure, the authorized person makes a decision on the intention to enter into a procurement contract.

The notification of the intention to conclude a procurement contract is published on open electronic platforms and/or the website of the NGO within one day after the decision is made.

The procurement negotiation procedure is canceled in case:

- if the authorized person committed a violation that affected the objectivity of determining the winner of the procurement procedure;
- the impossibility of eliminating violations that occurred due to detected violations of procurement legislation;
- lack of further need to purchase goods, works or services;
- failure to sign a purchase agreement within 35 days.

III.III. Carrying out procurements financed with budget funds

The NGO "IN TOUCH UKRAINE FOUNDATION" can apply other procurement procedures provided for by the Law of Ukraine "On Public Procurement" No. 922-VIII, if the source of funding for the procurement contract will be budget funds.

Other procurement procedures may be as follows:

<p>Open bidding</p>	<p>It is used to select 1 contractor for each lot. It is carried out using the electronic procurement system.</p>	<p>It consists of the following stages:</p> <ol style="list-style-type: none"> 1. Publication of announcement and tender documentation; 2. Clarification of information by potential participants; 3. Submission of proposals; 4. Conducting an electronic auction; 5. Consideration of proposals; 6. Determination of the winner and conclusion of the contract; 7. Publication of the procurement results report.
<p>Auctions with limited participation</p>	<p>They are used in the event of the need for preliminary verification of the qualifications of the participants by conducting a qualification selection.</p>	<p>It is carried out in two stages: 1) qualifying selection of participants (at least 3); 2) acceptance of tender offers and evaluation.</p>
<p>Competitive dialogue</p>	<p>It is used when it is impossible to determine the necessary technical and qualitative characteristics (specifications) of works or to determine the type of services by the customer.</p>	<p>It is carried out in two stages: 1) invitation to tender proposals; 2) acceptance of tender offers and evaluation.</p>

IV. Execution of purchase contracts

Purchase contracts are concluded in accordance with the norms of the Civil and Economic Codes of Ukraine, taking into account the features defined by this Law.

The winner of the procurement procedure during the conclusion of the procurement contract must provide:

- relevant information about the right to sign a purchase contract;
- a copy of a license or a document of a permissive nature (if available) for conducting a certain type of economic activity, if obtaining a permit or license for conducting this type of activity is provided for by law and if this was indicated in the tender announcement/request for price quotation or required authorized person during negotiations in the case of applying the negotiated procurement procedure.

If the winner of the procurement procedure is an association of participants, a copy of the license or permit is provided by one of the participants of such an association of participants.

The terms and conditions of the procurement contract must not differ from the content of the participant's tender offer (including the price per product unit) of the winner of the procurement procedure or the agreed price of the participant's offer in the case of the negotiation procedure, except in cases where the introduction of changes is necessary for the performance of the contract and is agreed by both parties.

Amendments to the contract must be made by signing additional agreements to the contract by mutual agreement of the parties. The grounds for making changes to the contract may be the following:

- reduction of procurement volumes, in particular, taking into account the actual amount of expenses of the NGO;
- an increase in the price per unit of the product in proportion to the increase in the price of such a product on the market in case of fluctuations in the price of such a product on the market, provided that such a change does not lead to an increase in the amount specified in the purchase agreement;
- improvement of the quality of the subject of procurement, provided that such improvement does not lead to an increase in the amount specified in the procurement contract;
- approval of price changes in the purchase contract, including in case of fluctuations in the price of goods on the market;
- price changes in the purchase contract in connection with changes in tax rates and fees and/or changes in conditions for granting tax benefits.

After the expiration of the purchase agreement, the execution of the purchase agreement or its termination, the authorized person publishes a report on the execution of the purchase agreement on open electronic platforms and/or the website of the NGO .

V. Procurement appeal procedure

The Antimonopoly Committee of Ukraine is the authority for appeals of tender procedures, in the case of purchases financed with budget funds.

Any legal or natural person who believes that the authorized person of the NGO violated their rights and interests during the procurement process can file a complaint with the Antimonopoly Committee of Ukraine. At the same time, the complainant must be registered in electronic procurement systems.

Potential suppliers in the procurement process may challenge the requirements of the tender documents at the stage of submission of proposals. And if we are talking about contesting the results of the procurement, decisions of the Board of Directors on acceptance/rejection of offers, then the procedure can be appealed only by the supplier who submitted the offer for such a purchase.

The complaint to the appeal body is submitted by the subject of the appeal in the form of an electronic document through the electronic procurement system. Complaints are submitted through a personal account in the electronic procurement system.

If the terms of the tender documents are contested, documentary evidence/evidence must be uploaded along with the appeal.

The subject of the appeal is responsible for the accuracy and reliability of the information provided by filling out the electronic form. At the same time, the risk of negative consequences associated with the provision of inaccurate or unreliable information by the subject of the appeal by filling out the electronic form is borne by the subject of the appeal.

The appeals body considers the complaint and makes a decision on the basis of the information posted in the electronic procurement system at the time of the complaint submission and the information received as a result of the complaint.

The authorized person is prohibited from taking any actions and making any decisions regarding the procurement procedure, except for actions aimed at eliminating the violations specified in the complaint until the decision of the Appeal Body is made public in the electronic system. The authorized person must follow appeal procedures in accordance with current legislation.

Decisions of the appeals body enter into force from the date of their adoption and are binding for the customers, the persons to whom they concern.

The decision of the appeal body can be appealed by the subject of the appeal or the authorized person to the district administrative court, the territorial jurisdiction of which extends to Kyiv city, within 30 days from the day of its publication in the electronic procurement system.

VI. Ethics and decency during procurement

VI.I Ethics of business behavior

The authorized person and other employees of the NGO involved in procurement must be guided by the rules of the Code of Conduct of the NGO. Engaging suppliers to procure goods and services is an activity that can be vulnerable to fraud and/or corruption. If an electronic system is used for procurement, it must ensure appropriate measures to prevent, investigate and, if necessary, punish fraudulent actions. Procurement by NGOs must be carried out in accordance with ethical standards with absolute impartiality and without obtaining any advantages.

The authorized person and other employees of the NGO involved in procurement must comply with the following norms:

- Promote fair, ethical and legal procurement practices;
- Act quickly and courteously in an atmosphere of good faith and equality, and without deliberate misrepresentation of facts;
- Treat all information received from suppliers as confidential and ensure the confidentiality of all specifications and price quotations received;
- Do not allow the situation of manipulation of supplier errors and their use against the supplier, and demonstrate cooperation;
- Avoid unnecessary costs or inconvenience when requesting offers;
- Make every reasonable effort to negotiate a fair and mutually acceptable resolution of any dispute with the supplier.

VI.II. Conflict of interest

A conflict of interest is considered to be the presence of a private interest of an NGO employee or any person or body acting on behalf of an NGO and participating in the procurement procedure or that may affect the results of this procurement procedure, which may affect the the objectivity or impartiality of her decision-making or the performance or non-performance of actions during the procurement procedure, and/or the presence of a conflict between the private interest of the NGO employee or any person or body acting on behalf of the NGO and participating in the procedure procurement and its official or representative powers, which affects the objectivity or impartiality of decision-making or the performance or non-performance of actions during the procurement procedure.

Employees of NGOs must avoid conflicts of interest, in particular:

- The behavior of the authorized person of the NGO should not cause any suspicion of a conflict between professional duty and personal interest.
- No one shall directly or indirectly solicit or accept any gift, privilege, treat, loan or any item of value from suppliers or potential suppliers.
- Bids may not be solicited and contracts may not be awarded to any company owned, controlled or actively influenced by any NGO employee or relative of a NGO employee.
- Suppliers who provide a proposal for a NGO cannot participate in the preparation and development of specifications for goods or services.

In order to minimize the risks of unethical behavior of NGO employees and conflicts of interest during procurement, the work of an internal monitoring specialist is envisaged, who will record any violations or risks of violations, which will allow them to be minimized as quickly and effectively as possible.



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Send feedback and suggestions
regarding this Policy to the e-mail address:
tender@intouch.org