



Procurement Procedure

ERATOSTHENES Centre of Excellence

EXCELLENCE RESEARCH CENTRE FOR EARTH SURVEILLANCE &
SPACE-BASED MONITORING OF THE ENVIRONMENT



ERATOSTHENES CENTRE OF EXCELLENCE

Procurement Procedure

1. PURPOSE

The ERATOSTHENES CENTRE OF EXCELLENCE (ECoE), is a private company limited by guarantee, but for procurement issues it is defined by the Treasury of the Republic as an organization of the wider public thus, its procurement procedures, rules and contract regulations, are abiding to the provisions of the relevant Republic of Cyprus Law 73(I)/2016 and its amendments, and the relevant EU directives and the relevant Regulation. In that regard ECoE issues present Internal Procedure that shall be followed in public tenders.

This Internal Procedure aims to provide guidance for the execution of public procurement in accordance with the relevant laws and regulations and internal procedures.

2. SCOPE

For all purchasing activities at ECoE falling under the provision of the Law for Public Procurement

3. DEFINITIONS

- **"ECoE"** means the Eratosthenes Centre of Excellence
- **"ECoE MD"** means the ECoE Managing Director.
- **"Executive Committee"** The Committee consists of five members, who include the Managing Director and four other members.
- **"Contracting Authority"** means the ECoE Board of Directors
- **"Department"** means Thematic Clusters (Environment and Climate, Resilient Society, Big Earth Data Analytics, or Functional Areas (Infrastructure, Research, Educational and Entrepreneurship) or any other Office of ECoE.
- **"Evaluation Committee"** means a Committee appointed or established in accordance with the provisions of the paragraph 6.5 of the present Procedure
- **"EU Threshold for supply and service contracts"** means the relevant threshold provided for in article 9 of the Law, as amended from time to time
- **"Law"** means the Public Procurement and Related Matters Law 73 (I) of 2016
- **"Official"** means a person who is appointed to a position within the ECoE Executive Committee or holds the position of Director, Manager or Coordinator, irrespective of work location or employment status
- **"Procurement Officer"** means the responsible official as mentioned in this Procedure or a member of ECoE staff assigned to perform these duties (e.g. Facilities & Building Infrastructure & Procurement

officer, or other appointed personnel)

- **"Project Coordinator"** means the Manager or Coordinator of the relevant Department and is responsible for implementing the relevant procurement procedures falling within the scope of the Law
- **"Tender Coordinator"** means the responsible official appointed for a Project who bears the overall responsibility and is accountable for the successful execution of the electronic procurement procedure of the Project to its execution
- **"Project"** means the subject of any public procurement contract for Supplies and/or Works and /or Services awarded by the Contracting Authority

Terms used in this Internal Procedure and not defined therein have the meaning attributed to these terms by Law and the relevant issued or applicable Regulations under the Contracting Authority

4. REFERENCES

- Public Procurement and Related Matters Law 73 (I) of 2016
- Regulation 138/2016- The Management of the Execution of Public Contracts and the Procedures for the Blocking of Economic Bodies from the Public Procurement Procedures Regulations of 2016
- Related circulars issued by the Treasury of the Republic of Cyprus

5. RESPONSIBILITY

Respective staff as per the procedure below

6. PROCEDURE

6.1. Composition and operation of competent Bodies

According to Rule 6(2) of the Regulation, the Contracting authority authorizes the ECoE MD, the Executive Committee, the Procurement Officer, the Tender Coordinator and the Evaluation Committees to manage public procurement procedures which lead to the award of contracts as explained in this internal procedure. For all of the procedures, described below, will be executed by the above-mentioned persons, there shall be subject to a decision of the Board of Directors by which these persons are authorized to proceed with the procedures related to public procurement.

- Subject to the reservation of paragraph 6.10 of the present Internal Procedure, the Executive Committee shall have the power to authorize public procurement procedures without Board of Directors' approval and shall decide on procedures leading to the award of supply and service contracts of up to the relevant EU Threshold and for work contracts up to the same amount.
- In cases where the award of contracts does not follow the simplified procedure according to Articles 90 (1) (a) and (b) of the Law, the decision of the Executive Committee for the award of a contract is made after taking into consideration the recommendation of the Evaluation Committee which is composed in accordance to paragraph 6.5 of the present Internal Procedure.
- In cases where the value of the contracts exceeds the EU Threshold for services and supplies and the same amount for works, the Executive Committee shall forward the matter to the Board of Directors for approval.
- The Board of Directors shall have the power to authorize public procurement procedures and shall decide on procedures leading to the award of contracts above the EU Threshold for services

and supplies and the same amount for works.

Public procurement procedures for purchase of supplies, services and works, commence following the approval of the Executive Committee on the basis of a request submitted by the Project Coordinator or any other arrangement between them. Where the amounts for purchases of supplies, services and works exceed the EU Threshold for services and supplies, the Executive Committee shall present the request to the Board of Directors for approval.

The segmentation of any purchase into smaller ones in order to avoid the award of the relevant contract in accordance with the procedure laid down by the Law, is not permitted.

The Executive Committee shall be responsible for the implementation of the procedures derived by the Law, the Regulations issued or applicable thereunder and the present Internal Procedure.

6.2. Powers of the Procurement Officer

The Procurement Officer or ECoE MD or his/her authorized representative is authorised from the Contracting Authority to be responsible for the processing of public procurement procedures and finalization of contracts.

Subject to reservation of the above general responsibilities, the Executive Committee and the Procurement Officer or his authorized representative undertakes the following:

- Reviews tender terms, irrespective of value of relevant tenders.
- Coordinates competitions so that they can be successfully completed, and contracts are finalized within the established timelines
- Provides support to the Tender Coordinator on the Electronic Procurement System (e-Procurement), for the actions required by the Law and Regulations for the Coordination Procedures of Public Procurement for Supplies, Works and Services, RAA 249/2009.
- Provides support to the Tender Coordinator on the communication with interested economic operators through the Electronic Procurement System (e-procurement).
- Processes obligations offline the Electronic Procurement System (e-procurement), including sending letters of award and disclosure of results to all bidders.
- Provides administrative support in the preparation of contracts.
- Keeps and monitors the tenders' registry protocol.
- Provides support to all involved parties to a tender. May participate in Evaluation Committees for applications and tenders.
- Outlines clear responsibility and accountability for the successful execution of the public procurement process.
- Compliance with all Cypriot Legislation and EU Procurement Directives, as well as best practices.
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6.3. Board of Directors

6.3.1. Powers of the Board of Directors

The Board of Directors shall approve the running of public procurement procedures and shall decide following recommendation from an Evaluation Committee and approval of the Executive Committee, on procedures leading to the award of contracts in regard to contracts of value of more than the EU Threshold for services and supplies and the same amount for

works.

6.4. Preparation and approval of Tender Documents

6.4.1. Definitions of requirements and specifications, checking and approval of tender documents

- The Project Coordinator shall designate at least one official of the relevant Department, who shall be the Tender Coordinator and who has the responsibility of market research for the definition of requirements and specifications and the preparation of tender documents.
- Where appropriate, the Board of Directors and/or the Executive Committee shall have the right to request to be informed in advance, by the Project Coordinator of the requirements and specifications adopted.
- The requirements and specifications will be submitted to the Procurement Officer, (within a specified time limit), who is responsible for checking the compatibility with the Law and subsequent submission of documents for legal review, where deemed necessary, prior to their finalization. This step shall not take more than five (5) working days.
- In case the Board of Directors and/or the Executive Committee requests to comment on the requirements and specifications, those are sent to the Board of Directors and/or the Executive Committee for comments.
- The Executive Committee and/or the Board of Directors shall approve the final public procurement documents.

6.5. Evaluation Committees

6.5.1. Composition and Responsibilities

- The study and evaluation of applications and tenders shall be entrusted to at least a three-member Evaluation Committee with one of its members designated as Head of the Evaluation Committee. The Committee shall be appointed by the Executive Committee who is authorised by the Board of Directors to designate the members of the Committee, in consultation with the Project Coordinator. Appointments shall be announced to the members of the respective Evaluation Committee.
- The Evaluation Committee, in case of public procurement procedures with estimated value which falls under the paragraph 6.1 of the present Internal Procedure, submits an Evaluation Report with recommendations to the Executive Committee; whereas in case of public procurement procedures with estimated value which falls under the paragraph 6.1 of the present Internal Procedure, submits an Evaluation Report with recommendations to the Board of Directors through the Executive Committee.
- The Evaluation Committee shall be responsible for:
 - The evaluation of tenders and/or applications received in accordance with the existing legislation and tender documents.
 - The preparation of an Evaluation Report which is submitted to the Executive Committee or to the Board of Directors through the Executive Committee, depending on the case. In cases where the Evaluation Report is forwarded to the Board of Directors, the Executive Committee may list any views to be taken into account for the decision-making of the Board of Directors.

There is also an option to the Contracting Authority to assign private consultants for the evaluation of the tender documents and advise the Contracting Authority accordingly. The private consultants will have an advisory role to the Contracting Authority which has to take the final decision after considering the evaluation report.

Members of each Evaluation Committee shall be suitable officials appointed at the discretion of the Executive Committee. Officials engaged in the preparation of the requirements and specifications may also become members of the Evaluation Committee as well as the competition coordinator and the procurement officer or its representative(s).

6.5.2. Evaluation Committees Quorum

Presence of all members shall be required for the proper conduct of the Evaluation Committee meetings. The members of the Evaluation Committee shall be equal, irrespective of their professional relationship and in the event of non-unanimity in the evaluation, all views shall be recorded in the Evaluation Report.

6.6. Chief Executive Officer-Duties and Responsibilities

- The Executive Committee, by virtue of his position, is responsible and accountable for the implementation of the procedures relating to the award of a contract.
- The Executive Committee, for contracts with an estimated value of up to the EU Threshold for services and supplies and the same amount for works, and the Board of Directors for contracts with an estimated value of more than these amounts determines in advance the type of procedure leading to the award of a contract. To this end, the Project Coordinator shall submit a relevant recommendation to the Executive Committee or the Board of Directors, as appropriate, on the appropriate procedure (e.g. open, closed, negotiated, simplified).
- The Executive Committee shall notify the Project Coordinator, the Tender Coordinator and the Procurement Officer in relation to any decision of the Board of Directors concerning procedures leading to the award of contracts of an estimated value of more than the EU Threshold for services and supplies and the same amount for works.

6.7. Participation of experts and other specialists

The Board of Directors and the Evaluation Committees shall have the power to invite to their meetings any appropriate experts and /or other specialists to provide advice or explanations, who are deemed necessary for the proper decision-making. These experts shall have knowledge on the matter under consideration and have to leave the Board of Directors meeting prior to the time of the discussion of the decision.

6.8. Tendering Procedure

6.8.1. Conditions to request for Tender

A request for tender which leads to the award of contracts shall be made by the Tender Coordinator, which is authorised by the Board of Directors or the Executive Committee, in

consultation with the Procurement Officer or its authorized representative, only after the Project Coordinator makes sure the necessary funds are available in the budget in accordance with the Regulation 10 of the RAA 242/2012. The existence of sufficient funding in the budget is the responsibility of the Project Coordinator who requests the tender notice.

For the purposes of this procedure, the necessary funding shall be deemed to be guaranteed when:

- There is an approved budget line
- There is a related budget line approved by the Board of Directors in the Budget of the following year. In this case, the tender documents should indicate that the award of the tender can only be made after the budget has been approved. It is understood that where the necessary funding is to be approved at a later stage, reference should be made in the tender documents.

6.8.2. Notification of Tender Documents

For public procurement procedures leading to the award of contracts offline the Electronic Procurement System, copies of the contract notice together with the tender documents shall be communicated to the Public Procurement Directorate and other Cyprus Government authorities and to the Auditor General of the Republic, at request.

6.8.3. Approval of the use of the negotiated procedure

- Where the negotiated procedure without publication of contract notice is used, in accordance with Article 29 of the Law only in the situations described in paragraphs (2) to (5) of the Article, it must be ensured:
 - For contracts of estimated value up to the EU Threshold for services and supplies and the same amount for works, a written pre- approval from the Executive Committee is required, or
 - For Contracts of estimated value over the above amount, a written preapproval from the Board of Directors is required.
- The approval, notified to the Director General for European Programs Coordination and Development and to the Public Procurement Directorate, shall be given upon written request specifying the following information:
 - The grounds for recourse to the negotiated procedure with specific reference to the provisions of the Law.
 - The names of the economic operators, who will be invited to participate in the negotiated procedure.
 - The award procedure including the negotiation terms which are known in advance as well as the estimated value.

6.8.4. Government Catalogue Content as per e-procurement

Government Catalogue Content will be utilized where applicable and appropriate.

6.9. Mechanism for awarding contracts using framework agreements

Subject to the Provisions of article 30 of the Law and to the provisions of Rule 14 of RAA 242/12, and paragraph 6.1. of the present Internal Procedure, the award of contracts using framework agreements shall be as follows:

- In case of a framework agreement with a single economic operator or with more than one economic operator, where the terms of the contract, including the price, are established, contracts based on this framework agreement shall be awarded by the Executive Committee.
- In case of a framework agreement with more than one economic operator, where under the terms of the agreement each contract is awarded in accordance with the result of a mini competition between the economic operators included in the framework agreement, the contract award procedure shall be carried out in accordance with the provisions of the present Internal Procedure.

6.10. Competitive Dialogue

6.10.1. Use of the competitive dialogue

- Subject to the provisions of article 27 of the Law and to the Rule 15 of RAA 242/12, the Executive Committee shall, if it considers that a particular public procurement procedure is required to be carried out in accordance with the competitive dialogue procedure, refer the matter to the Board of Directors for approval if the estimated value of the contract is more than the EU Threshold for services and supplies and the same amount for works.
- The decision of the Board of Directors to follow the competitive dialogue procedure is based primarily on data and information contained in a request prepared by the Project Coordinator.
- The report of the Project Coordinator submitted to the Executive Committee shall include at least the following:
 - Recording and analysis of the reasons justifying the use of the competitive dialogue for the award of the contract.
 - A detailed record and explanation of the procedure to be followed for the award of the contract including the way the dialogue and/or the negotiations are implemented.
- The award procedure should be recorded in detail in the tender documents.

6.11. Submission of Tenders

6.11.1. Time and method of bidding

Tenders shall be submitted in accordance with the provisions of the tender documents before the date and time specified in the notice of expiry of the deadline for the submission of tenders to the Electronic Procurement System (e-procurement) unless in exceptional cases and in cases of simplified procedures.

When the submissions of the tenders need to be done with hardcopy documents, the documents shall be placed in the tender box which is located at Eratosthenes Centre of Excellence, Cyprus University of Technology, Limassol Cyprus. The tender box shall be locked with two keys and the keys are kept by persons authorised by the Executive Committee.

6.11.2. Opening of Tenders

- For each competition two authorized officials are appointed for opening the electronic box of tenders for a specific competition, and who receive from the Procurement Officer the Electronic keys (codes).
- Following the expiry of the last date and time for the submission of tenders, the authorized officials to whom the electronic keys of the tender were given, introduce into the Electronic Procurement System (eProcurement) the Electronic keys and unlock the electronic bidding box of the specific competition.

- The Electronic Procurement System (e-Procurement) automatically records the tenders opened, numbers them and publishes minutes for the opening of tenders, which will be annexed to the Evaluation Report. It then sends the received e-quotes to the designated members of the Evaluation Committee and at the same time maintains the original tenders submitted electronically, in a secured area of the Electronic Procurement System (e-procurement).
- The examination of the full conformity of tenderers or their tenders with the terms of the tender documents shall be carried out at the stage of the evaluation of tenders
- Requests to participate or tenders which due to electronic viruses cannot be evaluated, and/or cannot be identified with a submitted tender imprint, shall be rejected by the Tender Coordinator.

6.12. Evaluation of Tenders - Evaluation Report, cancellation of competition.

- Subject of the provisions of paragraph 6.5 of the present Internal Procedure, the evaluation of tenders and/or requests to participate, by the Evaluation Committee shall commence as soon as possible after the opening of tenders or proposals and be completed at the earliest with the preparation of an Evaluation Report.
- The Evaluation Report shall be signed by all members of the Evaluation Committee and shall be submitted to the appropriate body, provided every possible effort is made to take a decision, before the expiry date of the initial validity period of tenders.
- The Executive Committee or the Board of Directors, depending on the case, may decide to cancel the contract award procedure for one or more of the following reasons:
 - Where no request for participation or tender has been made within the deadlines, or does not meet the conditions, requirements or technical specifications of the documents of the contract award procedure.
 - Where these conditions, requirements or technical specifications of the documents of the contract award procedure lead exclusively to a specific economic operator.
 - Where the prices of tenders fulfilling the conditions, requirements and technical specifications of the documents of the contract award procedure appear high or appear to be a prearrangement result among the tenderers.
 - Where, in the context of the procurement procedure, there are deficiencies which are not remedied at the decision-making stage of the competent bodies, or it is envisaged to lead to a reasonable challenge to those decisions of competent bodies by interested economic operators or tenderers and/or is appropriate because of the period elapsed since the commencement of the contract award procedure, taking into account the specificities and circumstances surrounding the process of concluding the contract or the intended contract.
 - Where the circumstances under which the contract award procedure commenced have changed to the extent that it is not necessary or has to be changed to meet the needs of the contracting authority or the contractor.

- Where there is any other serious reason which the competent bodies consider justified.

6.13. Cancellation of a Tender

The decision of the Contracting Authority for the cancellation of the tender must be fully reasoned, especially when the cancellation is due to a difference in the circumstances under which the tender was announced or to other unforeseen reasons. In any case, it should not be underestimate that the economic operators concerned have spent time and resources preparing their offer, which cannot be considered negligible, especially in complex contracts with a complex object.

In any case, the Contracting Authority should keep in mind that the cancellation of the tender is a decision that precedes the conclusion of the contract and as such according to the Law, gives the right to any interested party, which has or had an interest to be awarded the specific contract and who has suffered or may be damaged by it, to appeal to the Tender Review Authority.

7. RECORDS

- Tender Register **F-FIN-001-01**
- Evaluation of tenders in the case of summary executions **F- FIN-002-01**
- Communication of results letter **F - FIN-003-01**

8. APPENDICES

Not applicable