**Checklist for Public Procurements Control for the Ukrainian Public Beneficiaries**

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| ***Public Beneficiaries based in Ukraine have to comply with the requirements of the Programme Manual and***  ***Law of Ukraine “On public procurement” (as amended by the Law of 19.09.2019 № 114-IX, entered into force on 19.04.2020) (hereinafter – the Law)*** |

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| 1. ***Project name:*** |  |
| 1. ***Contractor:*** |  |
| 1. ***Contractor 's address:*** |  |
| 1. ***Name of purchase, budget line in budget of the project*** |  |
| 1. ***Type of order:*** | *service*  *goods*  *construction works* |
| 1. ***Estimated order value in EUR:*** |  |
| 1. ***Procedure:*** | Simplified procedure  Open tender  Other (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. ***Dates of the procedure start and contract signature, contract number*** |  |
| 1. ***Control type (at the location of the Beneficiary/according to documents):*** | |

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| **Introductory questions** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 10 | Did the previous control of ex-ante finish with positive evaluation of documents related to the procurement procedure? |  |  |
| 11 | Did the Beneficiary use the documents checked at ex-ante stage during the procurement procedure? |  |  |
| **Question– official correctness of the procedure** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 12 | Did the Beneficiary provide all documents required for the audit? |  |  |
| 13 | Were the presented documents certified by the Beneficiary's Director or the authorized person? |  |  |
| **Question – type of public procurement order** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 14 | Was the order type correctly identified? (rendering of services, supply of goods, construction work) |  |  |
| 15 | Does the composition of the Competitive Bidding Committee conform to the requirements of Ukrainian legislation? |  |  |
| **Question– selection of the procurement procedure** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 16 | Were the terms of participation in the procedure correctly identified? |  |  |
| 17 | Were the respective documents necessary to confirm the observation of these terms required? |  |  |
| 18 | Was the specification of the order correctly prepared? |  |  |
| 19 | Are the evaluation criteria of the participants correct? |  |  |
| 20 | Were the deadlines of bids established correctly? |  |  |
| 21 | Were the procurement documentation prepared according to the Ukrainian legislation? |  |  |
| 22 | Were all requirements prescribed by Law met? |  |  |
| **Question– procurement notice/notice of the procurement result** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 23 | Was the procurement notice published by the Beneficiary according to the Law? |  |  |
| 24 | Does the procurement notice include all information required by the Law? |  |  |
| **Question – procedure of identification of the Contractor** | | Yes/ No/ Not applicable | Controller’s comments |
| 25 | Did the bid opening take place on fixed dates? |  |  |
| 26 | Did the bids at the opening moment include all the information required by Law? |  |  |
| 27 | Were the bids submitted along with the specification of requirements? |  |  |
| 28 | Did the Beneficiary reject all bids that are subject to rejection based on Law? |  |  |
| 28a | Has any bodies involved in or supporting directly or indirectly the aggression on Ukraine been excluded from the procurement? [[1]](#footnote-2)  *Based on art. 5l.1 COUNCIL REGULATION (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine*  *Auditor shall use also publicly available national data bases to verify if bodies are associated with entities supporting aggression against Ukraine.* |  |  |
| 29 | Was there no potential conflict of interest? |  |  |
| **Question – selection of the most favourable bid** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 30 | Does the most favourable bid conform to the technical specification? |  |  |
| 31 | Does the most favourable bid meet criteria established by the Beneficiary? |  |  |
| 32 | Is the most favourable bid the best from the point of view of criteria established by the Beneficiary? |  |  |
| 33 | Was the most favourable bid selected as per the Law? |  |  |
| 34 | Was the information about the selection of the most favourable bid published according to the Law? |  |  |
| 35 | Was the decision about the final results delivered to the tenderers? |  |  |
| **Question – conclusion of the contract with the Contractor** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 36 | Do terms of the agreement conform to terms of the bid? |  |  |
| 37 | Are there terms of invalidity of the agreement? |  |  |
| 38 | Was the agreement/change in the agreement concluded by the persons with respective powers? |  |  |
| 39 | Was the agreement/change in the agreement presented in writing? |  |  |
| **Summary** | | **Yes/ No/ Not applicable** | **Controller’s comments** |
| 40 | Was the public procurement procedure evaluated positively? |  |  |
| 41 | In the event of negative evaluation of procurement: according to consequences of detected violations, it is proposed to impose financial penalties. |  |  |
| 42 | In the event of negative evaluation of procurement: based on consequences of detected violations it is proposed to recognize all expenses for procurement as ineligible. |  |  |

Signatures and the stamp of auditor

Place, date

1. Applies after 24.02.2022 [↑](#footnote-ref-2)