



UMEÅ UNIVERSITY

RULE – PROCUREMENT AND PURCHASING

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¹ This document has been translated from Swedish into English. If the English version differs from the original, the Swedish version takes precedence.



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1. Description

This rule sets out how procurement and purchasing at Umeå University is to be carried out based on the applicable acts, ordinances and directives, as well as the needs and objectives of the activity.

The rule applies to all purchasing of supplies, services and works within all of Umeå University's organisational units and activities, regardless of whether the purchase is by procurement or another type of purchase. The rule covers procurements both above and below the direct award threshold, as well as purchases under existing contracts and framework agreements.

'Procurement' means the measures taken to purchase supplies, services or works through the award of contracts.

2. Background

As a public authority, Umeå University must comply with the legislation that governs public procurement. The legislation is based on EU directives, and the provisions in the procurement acts must always be interpreted in light of the relevant EU directive.

The five basic principles of procurement are:

- non-discrimination
- equal treatment
- proportionality
- transparency
- mutual recognition.

In light of these principles, the University's policy documents must be based on objectivity and transparency and must inhibit corruption. They are to assist the University in carrying out procurements in compliance with the applicable legislation and case law, and in compliance with contracts concluded with procured suppliers.

The procurements carried out are to support the University's objective of running its activities efficiently and utilising public resources economically while meeting the needs of its activities.

Employees at the University, like other employees in public administration, have a special responsibility and are required to maintain objectivity and impartiality in the performance of their duties. The public should be able to rely on the University not to make decisions on false grounds.



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3. Public procurement legislation

Public procurement is governed by a number of acts, ordinances and directives that regulate the way public authorities are to conduct their procurements. The acts, ordinances and directives address different types of procurement, based on who makes the purchases and what is to be purchased.

Sweden's public procurement legislation consists of four acts that regulate different parts of public procurement:

- Public Procurement Act (2016:1145)
- Utilities Procurement Act (2016:1146)
- Act on Procurement of Concessions (2016:1147)
- Defence and Security Procurement Act (2011:1029).

The University applies the Act that is relevant for the activity and what is to be procured.

In addition, there are applicable EU directives, the Swedish Government's National Public Procurement Strategy, decisions and other acts and ordinances with a bearing on the University's rules for procurement and purchasing.

The University also has its own policy documents in a number of areas that must be considered when carrying out procurements and purchases.

Examples of these areas are:

- environmental and sustainability considerations, environmental policy and action plans;
- official documents, public access to information and secrecy in procurements;
- personal data processing, IT security, information security and other areas protected by security measures;
- disposal and return of documents; and
- coding and approval of invoices, payment orders and payments of invoices.

Each employee is responsible for being familiar with and complying with the policy documents that are relevant within the University for all purchasing of supplies, services and works.

The University's delegation procedure specifies which officers may make decisions on procurement matters.



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3.1 Limitations

This Rule is not intended to replace other established and applicable rules and policies; these are equal in merit and must be taken into account in the activity regarding the governance of procurement and purchasing, and how internal rules are designed, and processes implemented.

4. National Public Procurement Strategy

Another important policy instrument is the Swedish Government's National Public Procurement Strategy.

As a public authority, the University is required to work towards the policy objectives in the National Public Procurement Strategy which aim to elevate public procurement to a strategic level and create the conditions for a governance and organisation of public procurement that is fit for purpose. The strategy's seven policy objectives are:

- public procurement as a strategic tool for doing good business;
- effective public purchasing;
- a multiplicity of suppliers and well-functioning competition;
- legally certain public procurement;
- public procurement that drives innovation and promotes alternative solutions;
- public procurement that is environmentally responsible; and
- public procurement that contributes to a socially sustainable society.

4.1 Approach

In all purchasing and procurement situations, the actions of the University and its representatives must be businesslike and objective, and they must conduct themselves in accordance with the principles of business ethics, thereby contributing to the University being perceived as a credible actor in the public and private markets.

In each purchasing and procurement situation, the University's Policy against corruption and Environmental policy must be observed in particular.



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5. Purchasing organisation

Procurements are to be carried out by the central procurement and purchasing function within the Financial Office, the Procurement and Purchase Office, unless otherwise decided by the University Director. The Procurement and Purchase Office may also carry out procurements jointly with other public authorities. They may also participate in procurements carried out by other public authorities, where deemed appropriate, if they will result in framework agreements or contracts of benefit to the University's activities.

The Procurement and Purchase Office is responsible for procurement being coordinated internally within the University as well as within central government and with other public authorities. Furthermore, the Procurement and Purchase Office is to provide advice on purchasing matters, purchasing and planning for procurement, as well as systems support for purchases.

The task of the Procurement and Purchase Office includes:

- supporting a purchasing organisation within Umeå University that is fit for purpose;
- planning and developing processes, procedures and instructions for purchasing via procurement and direct purchases;
- providing support in planning, preparing and executing procurements above and below the relevant threshold, and providing support and guidance in direct awards of contracts;
- providing support for purchasing by means of orders in e-commerce systems and the management of that system;
- providing support in applying the relevant legislation and case law relating to purchasing matters and procurement;
- dealing with review procedures;
- supporting the execution and implementation of general framework agreements; and managing, monitoring and evaluating existing framework agreements and contracts;
- managing and conducting a confidentiality assessment when a request is received for the release of official documents and subsequently releasing official documents in completed procurements and call-offs; and
- participating in and conducting coordinated procurements with other government agencies and stakeholders.



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5.1 Purchasing organisation at departments and equivalent units

The University's departments, units and centres are to maintain a purchasing organisation that is fit for purpose, and must cooperate with the Procurement and Purchase Office in procurements to be carried out for the individual activity's needs.

This means that the department/equivalent unit must ensure that:

- the rules are followed;
- purchases are motivated and coordinated within the University;
- in the first instance, purchases are made internally and only in the second instance under existing framework agreements or contracts;
- the need for the purchase is investigated in the absence of a framework agreement or contract;
- a delegation procedure of the right to make purchases and approve them is available, has been communicated, and is implemented in the department/unit;
- purchases are traceable, documented and justified;
- procedures are in place for delivery inspections, and for handling claims, returns and customs matters for completed purchases; and
- human resources are available when a procurement is to be carried out in cooperation with the central Procurement and Purchase Office.

6. Purchasing methods

6.1 Internal purchasing

When the need for supplies and/or services arises, they must primarily be purchased internally via the activities that offer these supplies and/or services within the University.

6.2 Purchases under existing framework agreements or contracts

Purchases under existing framework agreements and contracts with a supplier must be made according to the instructions in the agreement database and/or purchase order system.

In situations where a framework agreement with multiple suppliers specifies that competition is to be reopened, ordering and call-offs must be



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carried out in cooperation with the Procurement and Purchase Office, unless otherwise stated in the information about the framework agreement.

Each department/equivalent unit and its purchaser is responsible for compliance with the terms and conditions established for the execution of the purchase. This means taking responsibility for conducting acceptance checks, acceptance of deliveries, recording of items on backorder, claims, buybacks, fault/error reporting, or other matters pursuant to an order.

6.3 Purchases from other government agencies

Purchases between public authorities are not covered by the legal framework for public procurement and can be executed directly with another public authority.

The Procurement and Purchase Office must be consulted concerning purchases from a regional health authority or municipality.

6.4 Purchasing in project collaborations and partnering agreements

Where there is a need to purchase supplies and/or services or works in project collaborations or partnering agreements with public or private actors, the Procurement and Purchase Office should be consulted for the purpose of assessing whether a procurement obligation exists.

6.5 In the absence of a framework agreement or contract

In the absence of a framework agreement or contract, the purchase must be preceded by a procurement or direct award of contract. Depending on the value of the contract, the Procurement and Purchase Office must be contacted for advice on a suitable course of action.

7. Procurement

Goods, services or works may be purchased by means of procurement resulting in the award of a framework agreement or contract, or by a direct award of contract.

7.1 Conditions

Procurements must proceed from the goals set by the University, be legally correct, comply with the University's policy documents, and be supported by the University Management.



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The University's procurements must be carried out with special consideration for the environment and sustainability, and the need for accessibility adjustments.

7.2 Execution

Decisions on the procurement of framework agreements and contracts must be made by the responsible head of department or equivalent manager. The decision must include the purpose and a description of the objectives of the future framework agreement or contract. The decision must be preceded by a needs analysis and a survey of previously completed purchases. The University's set goals and policy documents that may affect the execution of the procurement and the formulation of a resulting framework agreement or contract must be consulted. The decision must also include the budget for the execution of the procurement. Where resources are needed for the execution of a procurement, the Procurement and Purchase Office must be consulted. The execution of a procurement project is led by the procurement officer appointed for the task by the Procurement and Purchase Office.

8. Direct award

Direct award refers to a procedure for the award of contracts or the conclusion of framework agreements that do not require publication of a contract notice. Direct award also includes what are termed *direct purchases*.

8.1 Application

Direct award can be used in the following situations:

- in the absence of a framework agreement or contract for the purchase;
- if the total contract value for the procurement is less than the direct award threshold according to the contract value calculation (Chapter 5, Section 1 of the Public Procurement Act);
- in certain situations specified in the Act, in which the University may use a negotiated procedure without prior publication of a contract notice;
- if there are overriding reasons according to the legislation and case law; or
- in the case of a purchase that is necessary to satisfy an urgent need that has arisen due to a review procedure.

Direct award **may not be utilised in the following cases:**



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- to avoid the rules on procurements above the threshold, for example by dividing up a procurement in order to achieve a contract value below the direct award threshold;
- if it is planned to repeat the direct award procedure within each financial year or on a recurring basis over several years. To satisfy the need for supplies and/or services that are recurring, a procurement must be carried out resulting in framework agreements or contracts; or
- to achieve a better price or conditions if a current and applicable framework agreement or contract already exists. The exception to this rule is where the supplier has been given the opportunity to decline the delivery.

8.2 Execution of direct award procedures

The head of department or equivalent manager has the right to decide who is entitled to execute direct award procedures and this must be stated in the delegation procedure for purchasing (*beställningsordning*).

In order to take advantage of the competition in the market, in direct award procedures, the University must obtain quotes/tenders from potential suppliers. The request for quotes should be addressed to at least three suppliers in writing.

Before deciding whether a direct award procedure may be used for a purchase, the following must be checked and a direct award procedure must be ruled out for the execution of the purchase if:

- the supplies and/or services can be purchased from internal resources;
- there are applicable framework agreements or contracts in place for the supplies and/or services;
- the estimated value of the intended direct award of contract (including options, additional purchases) is above the current threshold for a direct award of contract (Chapter 5, Section 1 of the Public Procurement Act);
- a direct award procedure is not free and inhibit corruption and conflicts of interest; or
- it is considered more appropriate to apply a form of employment or payment of fees for the purchase of a service.

After a decision has been made to execute a direct award procedure, the following must occur:

- Documentation and archiving must take place in accordance with Section 11 of the Duty to document and traceability, and the procedures specified therein.
- Payment must be made in accordance with applicable invoicing and payment procedures.



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8.3 Direct award above SEK 100,000

Direct award of contract for supplies and/or services with an estimated contract value of SEK 100,000 or more must be carried out in consultation with the Procurement and Purchase Office before the purchase is executed.

8.4 Direct award below SEK 100,000

Direct award of contract for supplies and/or services at an estimated contract value below SEK 100,000 can be carried out without consulting the Procurement and Purchase Office.

8.5 Direct purchase under one index-linked base amount

Direct purchase refers to a purchase where you turn directly to a supplier, for example via a visit, telephone call or by placing an order on the supplier's website. Direct purchase refers to purchases with an estimated value from SEK 1 excluding VAT.

Direct purchases of supplies and/or services up to an estimated value of one (1) index-linked base amount are permitted provided that the checks in Section 8.2 are satisfied.

9. Follow-up and management

Framework agreements and contracts for recurring deliveries are to have a management plan. This plan is established, administered and managed by the Procurement and Purchase Office in cooperation with contract owners/budget owners. These agreements and contracts are to be followed up in accordance with the instructions in their management plans in the first instance.

The Procurement and Purchase Office also follows up the requirements on the supplier and the supplies/services, and carries out spending analyses² of the University's purchases.

The management of framework agreements and contracts must:

- ensure that what has been agreed has been delivered;
- assure the quality of delivered supplies and services;

² A spending analysis is carried out to see what the University buys, from whom and under what agreement/contract. It also analyses new areas for procurement.



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- supervise that the framework agreement/contract promotes the efficient and responsible use of public funds;
- ensure that the University is seen as a credible purchaser by suppliers and the market;
- develop ordering skills internally, for example by informing staff about the agreement/contract and simplifying ordering processes;
- ensure good competition for future procurements;
- maintain a good, mutually beneficial, business relationship with existing suppliers.

10. Secrecy

10.1 General rule

The general rule is that secrecy applies until all tenders or offers are made public, or decisions on suppliers and tenders have been made, or the case has been brought to a close beforehand, according to Chapter 19, Section 3 of the Public Access to Information and Secrecy Act (2009:400).

Absolute secrecy means that information on which suppliers have submitted tenders or requests to participate, and the content of the tenders or requests to participate themselves, may not be disclosed. Absolute secrecy for tenders is to cover all participants in the procurement process in connection with the publication of the notice by the contracting authority.

Absolute secrecy expires when all tenders have been published, contract award decisions have been notified, or when the case has been closed in some other way.

10.2 Request for secrecy from a supplier

A tenderer may request secrecy for their tender in a procurement. This applies even after absolute secrecy has expired.

10.3 Request for release of documents

Requests for the release of official documents must be dealt with promptly. The release of official documents in connection with procurement – including direct award and re-opening of competition, existing framework agreements and contracts and their appendices – is to be managed by the Procurement and Purchase Office. This applies regardless of whether the request for release of the documents is received from within the University, or from another public authority, company, or private individual.



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10.3.1 Secrecy assessment

When a request for release of an official document is received, a check must be carried out to determine if the official document can be released. A secrecy assessment must be carried out each time the release of an official document is requested. The current and applicable procedures for handling the release of official documents must be followed.

11. Duty to document and traceability

All procurement must follow the retention and deletion plan and comply with the Public Procurement Act. Rules and instructions for documentation, registration in the official record and archiving must be followed.

The duty to document with registration in the official record and archiving applies to direct awards where the contract value is SEK 100,000 or more.

The duty to document with registration in the official record and archiving does not apply to direct awards where the contract value is **below** SEK 100,000, but registration and archiving is recommended.

The duty to document with registration in the official record and archiving does not apply when making direct purchases below one index-linked base amount, but registration and archiving is recommended.

Invoices from the supplier must be marked appropriately so that they can be linked to purchases under a procured framework agreement, contract or direct award.

12. Corruption and conflict of interest

Participants in procurement and direct award procedures must observe the University's Policy against corruption, reg. no. FS 1.1-1119-22.

Participants who realise that they may have, or may be suspected of having, a conflict of interest, or who have a secondary employment or other role which may mean that they benefit from the procurement or purchase, must not make formal decisions to execute the purchase or procurement and/or must not participate in the execution of the procurement. Participation in a procurement or purchasing decision may be seen as damaging to the University's credibility. This could result in the procurement being discontinued.



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13. Applicable legislation

Acts

Administrative Procedure Act (2017:900)

Public Procurement Act (2016:1145)

Utilities Procurement Act (2016:1146)

Act on Procurement of Concessions (2016:1147)

Defence and Security Procurement Act (2011:1029)

Act on Systems of Choice in the Public Sector (2008:962)

Procurement Statistics Act (2019:668)

Public Access to Information and Secrecy Act (2009:400)

Ordinances

Archive Ordinance (1991:446)

Ordinance on anti-discrimination clauses in procurement contracts
(2006:260)

Ordinance on the co-ordination of central government purchasing
(1998:796).

Procurement Statistics Ordinance (2020:332)

Ordinance on environmental clauses in procurement of motor vehicles and
certain public transport services (2011:847)

Ordinance on environmental and road safety clauses for public authority
motor vehicles (2020:260)

Procurement Ordinance (2016:1162)

EU regulations on public procurement

Other governing documents

The Swedish Government's National Public Procurement Strategy.