APPROVED by the Rector of the University of Tartu
Decree no. 23 of 16 December 2010
(effective as of 01.01.2011)

AMENDED by the
Rector of the University of Tartu
Decree no. 22 of 24 August 2012
(effective as of 24.08.2012)

AMENDED by the
Rector of the University of Tartu
Decree no. 16 of 24 September 2013
(effective as of 01.10.2013)

AMENDED by the
Rector of the University of Tartu
Decree no. 38 of 22 October 2014
(effective as of 07.10.2014)

AMENDED by the
Rector of the University of Tartu
Decree no. 9 of 7 January 2016
(effective as of 01.01.2016)

AMENDED by the
Rector of the University of Tartu
Decree no. 12 of 8 September 2017
(effective as of 01.09.2017)

**Procurement Rules**

Based on clauses 15 (2) 15) and 15 (3) of the Statutes of the University of Tartu and section 9 (1)
of the Public Procurement Act, I hereby approve the Procurement Rules of the University of Tartu.
[effective as of 01.09.2017]

**I. General provisions**

1. Procurement Rules (hereinafter the rules) regulate the planning and organisation of the public
procurements of the University of Tartu, including its institutions (hereinafter the university), and
concluding public contracts. The rules are established to ensure compliance with the terms
established in the Public Procurement Act for the university as the contracting authority.

2. The terms established in the rules apply to

   2.1. public procurements which exceed the public procurement threshold;
2.2. public procurements which exceed the threshold of organisation of a simplified procurement procedure (hereinafter simplified procurement);
2.3. public procurements below the simplified procurement threshold;
2.4. the procedure for purchasing social and special services as established in the Public Procurement Act. [effective as of 01.09.2017]

3. The estimated value net of VAT of the public contract of public procurements which exceed the public procurement threshold as stated in clause 2.1 of the rules is
   3.1. for purchase, lease and rental of items or purchase of services 60,000 euros and over;
   3.2. for purchase of public works 150,000 euros and over.
   [effective as of 01.09.2017]

4. The estimated value net of VAT of the public contract of the simplified procurement stated in clause 2.2 of the rules is
   4.1. for purchase, lease and rental of items or purchase of services at least 30,000 but not more than 60,000 euros;
   4.2. for purchase of public works at least 60,000 but not more than 150,000.
   [effective as of 01.09.2017]

5. Public procurements stated in clauses 2.2, 2.3 and 2.4 of the rules are carried out pursuant to the terms established in chapter V of the rules.

6. The public procurement cannot be divided into lots to evade the procedure or requirements established for carrying out public procurements, especially if the object of the public contract is supplies, services or public works that function jointly or that are needed for achieving the same purpose. The estimated values of items, services or public works shall be totalled.
   [effective as of 01.10.2013]

7. Head of Procurement Service of the Estates Office is responsible for the organisation and reporting of public procurements. [effective as of 01.10.2013]

**II. Initiator of public procurement and procurement plan**

8. For the purposes of these rules, the initiator of a public procurement included in the procurement plan is the head of an institute, director of college, head of a non-faculty institution, head of dean’s office and head of a support unit, also a vice rector, dean or area director can always be the initiator of a public procurement. The initiator of a public procurement not included in the procurement plan is a vice rector, dean, head of a non-faculty institution and area director.
   [effective as of 01.01.2016]

9. For the purposes of planning procurements, the director of administration approves the procurement plan of the current year by 15 January of each year with a directive. In order to prepare the procurement plan, the vice rector, dean, head of non-faculty institution and area director submit to the head of Procurement Service of the Estates Office by 1 December each year the information regarding the procurements to be carried out next year (name of procurement, deadlines, estimated value). [effective as of 01.01.2016]

10. The minimum value of procurements indicated in the procurement plan and conditions of amending the procurement plan are established by the rector’s directive.
III. Initiating public procurements and public procurement committee

11. The person who initiates a public procurement submits a proper application to initiate a public procurement together with the technical specifications (terms of reference of the procurement) to the director of administration. The head of Procurement Office of the Estates Office makes the application forms for initiating a public procurement (application for the purchase, lease and rental of items, application for the purchase of service and design contest and application for the purchase of public works) available in the intranet. [effective as of 01.10.2013]

12. The person who initiates a public procurement is responsible for the correctness of the data presented in the application to initiate a public procurement.

13. The director of administration forms the public procurement committee (hereinafter the committee), appoints the chair and secretary of the committee and the person who compiles the technical specifications and determines the type of procurement procedure with a directive on the basis of the application specified in clause 11 of the rules.

14. The committee has at least three members, the secretary of the committee participates in the committee’s work without a voting right.

15. The committee may enlist independent experts without a voting right.

16. The task of the committee is to in cooperation with the Procurement Office of the Estates Office prepare procurement documents, open tenders, exclude tenderers from procurement procedure, qualify or disqualify tenderers and candidates, declare tenders admissible or reject tenders, hold negotiations with tenderers in cases provided in the law, evaluate tenders and identify a successful tender and submit proposals to the director of administration to make decision regarding public procurement procedures. [effective as of 01.10.2013]

17. The chair of the committee is responsible for the work of the committee.

18. The decision of the committee is adopted if more than half of the members of the committee are in favour of it. The secretary of the committee takes the minutes at committee meetings.

19. Members of the committee are entitled to add their (dissenting) opinion in writing to the committee’s decision.

IV. Procurement documents and public contract

20. The draft procurement documents are signed by more than half of the committee members and the legal counsel.

21. Head of Procurement Service of the Estates Office signs the procurement documents. [effective as of 01.10.2013]

22. The contract notice is published in the public procurement register and if necessary on the university website.

23. The decisions regarding public procurement procedures are made by the director of administration with a directive on the basis of proposals by the committee.

24. Based on the results of the public procurement procedure, the director of administration concludes a public contract with the successful tenderer.

25. The mandate of the committee is valid until the public contract is concluded.
V. Simplified procurements, procurements below the threshold of simplified procurements and services purchased with simplified procedure

26. A public procurement is initiated pursuant to clauses 11 and 12 of these rules, the application of initiation is submitted to the head of Procurement Service of the Estates Office. For a simplified procurement the head of Procurement Service of the Estates Office convenes a simplified procurement committee of at least three members and appoints its chair. [effective as of 01.10.2013]

26.1. The terms provided in clauses 20 and 21 of the rules are applied for the proceedings of simplified procurement documents.

26.2. The task of the simplified procurement committee is to in cooperation with the Procurement Office of the Estates Office prepare procurement documents, obtain at least three quotations if there is competition, exclude tenderers from procurement procedure, qualify or disqualify tenderers, declare tenders admissible or reject tenders, hold negotiations, evaluate tenders, identify a successful tender and make decisions regarding simplified procurement procedures. [effective as of 01.10.2013]

26.3. The chair of the simplified procurement committee is responsible for the work of the committee.

26.4. The decision of the simplified procurement committee is adopted if more than half of the members of the committee are in favour of it. The secretary of the simplified procurement committee, who does not have the right to vote, takes the minutes at committee meetings.

27. Simplified procurement agreements are concluded on the basis of the decision of the simplified procurement committee

27.1. for purchase, lease and rental of items or purchase of services by the head of Procurement Service of the Estates Office; [effective as of 01.10.2013]

27.2. for purchase of design solutions, engineering projects and public works by the head of the Estates Office.

28. Procurements with a value below the threshold of simplified procurements shall comply with the general principles of the Public Procurement Act, e.g. transparency, proportionality, purposefulness and economy, to have an efficient procurement procedure, i.e. that the cost of time, money and labour for the contracting authority is minimised. The contracting authority does not have to obtain and compare different quotations in the case of purchasing items or services with a value less than 5,000 euros net of VAT. If the estimated value of the public contract net of VAT is between 5,000 and 29,999.99, the submission of invitation to tender is made to at least three possible tenderers if possible. If an external funder, e.g. in case of target-funded projects, has established special terms for purchasing items or services, these shall also be complied with. [effective as of 01.09.2017]

29. Items and services with a value less than the simplified procedure threshold are purchased in accordance with the rules established in the university.

30. Purchasing social and special services shall comply with

30.1. clause 28 of the rules when the value of the public contract net of VAT is less than 60,000 euros;

30.2. clause 26 of the rules when the value of the public contract net of VAT is equal to or exceeds 60,000 euros.
30. [repealed as of 07.10.2014]

31. The public contract for a social and special service is made by the vice rector or area director according to their authority irrespective of the value of the public contract. [effective as of 01.09.2017]

32. Public contracts with a value below 20,000 euros can be made in oral form in which case the purchased item or service is paid for on the basis of an invoice in accordance with the terms and procedure established in the university. [effective as of 01.09.2017]

V. Purchasing items required for research and development

32¹. For the purposes of this chapter, a project is any development project defined in the university’s regulations for processing research and development projects which involves research and/or development activities as defined in the Organisation of Research and Development Act (hereinafter project). For the purposes of this chapter, research is basic or applied research as defined in the Organisation of Research and Development Act which is not a project.

32². The purchase of items required for research and/or development activity with a predictable need, which can also be used for purposes other than the implementation of the specific project or research (non-specific items), proceeds from the requirements provided in chapters I–V of the rules.

32³. The estimated values of specific items that function jointly or are needed for achieving the same purpose are totalled in the budget of the specific project or research, proceeding from the requirements provided in chapters I–IV and clause 32⁴ of the rules.

32⁴. Specific items are items with unpredictable need, including items

34¹.1. which are related to a specific device and cannot be replaced with another similar item or if replaced, achieving the aims of the specific research or project or some stage of these is not probable;
32⁴.2. the use of which is an essential precondition to ensure the comparability of research results.

32⁵. [repealed as of 01.01.2016]

VI. Final provisions

33. I make director of administration responsible for adhering to these rules.

34. Public procurements with a threshold stated in clause 4 of the rules which have been initiated before the rules enter into force are carried out on the basis of the Public Procurement Rules approved by decree no. 5 of 12 February 2008 and amended by decree no. 9 of 6 April 2009, decree no. 13 of 30 April 2009 and decree no. 8 of 5 April 2010.

35. I hereby repeal the Public Procurement Rules approved by decree no. 5 of 12 February 2008 and amended by decree no. 9 of 6 April 2009, decree no. 13 of 30 April 2009 and decree no. 8 of 5 April 2010.

36. These rules become effective on 1 January 2011.