

Procurement rules of Tallinna Linnatranspordi AS

1. Chapter General provisions

§ 1. Scope of the procurement rules

- (1) The procurement rules regulate the organisation of public procurements by Tallinna Linnatranspordi AS (hereinafter TLT).
- (2) TLT is a contracting entity within the meaning of clause 5 (3) 2) of the Public Procurement Act (hereinafter the PPA) and proceeds from the limits and other specifications established for the network sector in accordance with the PPA.
- (3) The procurement rules are established on the basis of subsection 9 (2) of the PPA.

2. Chapter Planning of procurements and procurement procedures

§ 2. Planning of procurements

- (1) A procurement plan is prepared for the planned procurements (Annex 1). The procurement plan must include planned procurements where an estimated value of the procurement contract, excluding VAT, is equal to or exceeds EUR 10,000 (excluding VAT).
- (2) Within two weeks after the determination of the intention to purchase supplies or a service, the heads of the structural units shall provide information on the procurement to the person performing the duties of a procurement specialist who shall prepare the procurement plan and amendments thereof.
- (3) The procurement plan is approved and amended by the Management Board. In the event of organising a procurement not included in the procurement plan, the procurement shall be initiated on the basis of the decision of the legal representative. A procurement for which organisation had been started and which was not included in the procurement plan shall not be added to the procurement plan.
- (4) The procurement plan shall be published on the website of TLT. The procurement plan shall include the following information:
 - (1) the title and brief description of the supplies, services or works to be procured (title of the contract);
 - (2) the subject of the procurement procedure;
 - (3) the type of the procurement procedure;
 - (4) the estimated time of publication of the procurement;
 - (5) the place of publication of the procurement.

(5) All procurement initiatives and contracts involving a financial commitment shall be coordinated with the member of the Management Board responsible for financial management.

§ 3. Organising a procurement below the simple procurement threshold

- (1) The purchase of goods and the ordering of services with an estimated cost of up to EUR 2,000 and contracting for works with an estimated cost of up to EUR 3,000 shall be carried out by a person appointed by the head of the structural unit.
- (2) The purchase of goods and the ordering of services with an estimated cost of EUR 2,000 to EUR 10,000 and contracting for works with an estimated cost of EUR 3,000 to EUR 30,000 shall be carried out by the director of the service or head of the department.
- (3) The purchase of goods and the ordering of services with an estimated cost of EUR 10,000 to EUR 60,000 and contracting for works with an estimated cost of EUR 30,000 to EUR 300,000 shall be carried out by a member of the Management Board or director of a service designated by him/her.

Upon establishing the need for a procurement, the director of the service or the head of the department shall make a proposal to the member of the Management Board curating the field of procurement, providing a brief description of the planned procurement and its economic justification.

- (4) The head of a structural unit shall appoint persons responsible for the performance of contracts and the person from his or her structural unit who is responsible for giving notice of the need for procurement.
- (5) In the case of procurements with an estimated value below EUR 2,000 excluding VAT, the responsible person may make a proposal to a single tenderer to submit a tender. The price of the supplies, services or works submitted in the tender received in accordance with the procedure provided for in this subsection shall be reasonable and justified. The person responsible coordinates the results of the procurement with the head of the structural unit via email.

§ 4. Organising a design contest

- (1) The Management Board decides on the organisation of a design contest by appointing the structural unit responsible for conducting the design contest and the jury evaluating the works received in the course of the design contest. The decision of the Management Board shall provide whether the design contest is organised with the aim of:
 - 1) entering into a services contract with the winner of the design contest on the basis of the design submitted by him or her; or
 - 2) finding a solution suitable for the contracting authority by awarding a prize to the winner or paying participation fees to the participants. The amounts of prizes or participation fees shall be determined by the Management Board.
- (2) An invitation for a design contest shall be published in the Public Procurement Register if the estimated cost of the design contest is equal to or exceeds the threshold of a simple procurement of EUR 60,000 (excluding VAT). To this end, a member of the evaluation jury shall forward the data necessary for announcing the design contest and later also the information of the winner of the design contest to the person performing the duties of a procurement specialist who will carry out the necessary actions in the Public Procurement Register.
- (3) In determining the estimated value of a design contest, the estimated cost includes the estimated value of the contract to be awarded as a result of the contest, as well as the prizes or participation fees awarded for the contest.

- (4) If any requirements for professional qualifications are established for the participants of the design contest, the committee specified in section 8 of the procurement rules shall verify the conformity of the participants' qualifications before forwarding the evaluation to the jury.
- (5) Works received in the course of a design contest shall be evaluated by an evaluation jury which will draw up a report on its activities, including the ranking of the submitted proposals, its evaluation of the draft ideas, comments of the jury members, and any circumstances that need further clarification.
- (6) The winner(s) of the design contest shall be selected by the board.

3. Chapter Carrying out a procurement

§ 5. Decision to carry out a procurement

The management board decides on public procurements in the procurement plan or by a separate decision (in the case of urgent matters, the decision may be made by the chairman of the Management Board alone) which establishes:

- 1) the name of the procurement;
- 2) the type of the procurement procedure;
- 3) the person responsible for the procurement;
- 4) the person responsible for performing the contract;
- 5) if necessary, members of the procurement committee;
- 6) if necessary, persons to whom the procurement documents are submitted;
- 7) if necessary, the estimated cost of the procurement.

§ 6. Procurement specialist

- (1) The procurement specialist shall organise the conduct of public procurement procedures in accordance with the provisions of subsection 2 of this section.
- (2) Procurement specialist:
 - 1) shall determine the type of the public procurement procedure;
 - 2) if necessary, shall assist with procurements below the simple procurement threshold;
 - 3) if necessary, before forwarding a tender proposal shall check that the tenderer has no tax arrears by using the website of the Tax and Customs Board and the tenderer's economic and technical qualifications (registration in the commercial register or professional register and the existence of permits where warranted by their activities), and shall coordinate the list of tenderers with the internal audit department;
 - 4) carries out the public procurement procedure and organises the preparation of procurement documents based on the technical conditions submitted to him or her. Where a committee has been established for a procurement, the procurement documents and decisions shall also be forwarded to the members of the committee who shall submit their proposals to the procurement specialist;
 - 5) performs activities required to announce the procurement, including organising the submission of a procurement notice to the Public Procurement Register and, if necessary, the submission of a prior information notice and an optional notice;
 - 6) ensures the timely submission of procurement notices, reports, annexes to reports, and other documents to the Public Procurement Register;
 - 7) if necessary, ensures the publication of procurement information on the website of TLT;
 - 8) prepares the materials necessary for the procurement committee to make a decision and ensures the retention of such documents until their transfer to the archive;

- 9) issues procurement documents and provides information and explanations on the content of the procurement notice and procurement documents to the participants of the procurement procedure;
- 10) after receiving the tenders, prepares a summary, selects the best tender in accordance with the procurement criteria in cooperation with the procurement committee, and coordinates the results of the procurement with the head of the structural unit via email. The official responsible shall explain in the email the circumstances of the procurement procedure and, if less than three tenders are accepted, the circumstances surrounding the lack of competition;
- 11) informs the tenderers of the results of the procurement;
- 12) ensures that the procurement documents are archived and such documentation is preserved;
- 13) advises the staff of TLT on matters related to procurement.

§ 7. Person responsible for the procurement

- (1) The person responsible for the procurement shall be appointed by a decision of the Management Board. The person responsible for the procurement is usually the head of the structural unit.
- (2) The task of the person responsible for the procurement is, among other things, to ensure that the information and documents necessary for carrying out the procurement procedure, including the draft technical description of the object of the procurement, are submitted to the procurement specialist.

§ 8. Establishment and competence of the procurement committee

- (1) The procurement committee is formed by a decision of the Management Board.
- (2) The purpose of the procurement committee is, among other things, to advise on the preparation of procurement documents, to prepare the technical part of the document, and to advise on the conduct of the procurement procedure.
- (3) The procurement committee may hold meetings. The chairman of the committee may draw up the minutes of the committee. The procurement committee is not competent to make decisions with regards to the procurement.
- (4) The members of the procurement committee shall be impartial; if a member is not impartial or may appear to be partial, the member of the committee shall notify the person who appointed them of this in writing.

§ 9. Measures to prevent, detect, and eliminate conflicts of interest

- (1) In order to prevent conflicts of interest, each member of the procurement committee is required to sign a declaration to avoid conflicts of interest before the procurement conditions are approved (Annex 2).
- (2) The person responsible for organising the public procurement, a member of the public procurement committee, and the procurement specialist shall disclose to a member of the Management Board in a format which can be reproduced in writing the circumstances underlying the conflict of interest, risk of conflict of interest or appearance of conflict of interest related to the public procurement (e.g. any contact with a potential tenderer, product, service, etc.) If the above situation arises during the proceedings, the members of the Management Board must be notified immediately in a format that can be reproduced in writing.
- (3) A person with a conflict of interest shall be removed from the procurement and he/she shall not receive information related to the procurement.

- (4) If a person referred to in this section or another person has information concerning a possible conflict of interest, this information shall be submitted to the chairman of the Management Board immediately in a format which can be reproduced in writing.
- (5) The person responsible for the public procurement, a member of the public procurement committee, and the procurement specialist may in no way communicate with any tenderer or the tenderers' representatives during the procurement procedure outside the public procurement procedure. Communication is also prohibited for one month before the start of the procurement procedure, with the exception of market research.
- (6) The person responsible for the public procurement, a member of the public procurement committee, and the procurement specialist may not provide any information regarding the public procurement procedure and tenders to persons who do not have a legal basis to receive it. This information is confidential until the end of the procurement procedure.

§ 10. Decisions in the procurement procedure

- (1) Unless the Management Board decides otherwise, procurement decisions shall be made by the legal representative of TLT.
- (2) The legal representative of TLT shall make a decision to initiate a procurement provided in the procurement plan.
- (3) The procurement specialist shall prepare and forward the draft procurement decision and the draft procurement contract.

§ 11. Award and amendment of a contract

- (1) The legal representative of TLT shall award a contract.
- (2) The person responsible for the performance of the contract must ensure that the contract is not amended and, if amendment is necessary, that the amendment does not violate the procedure provided for in the PPA. Only the legal representative of TLT can make the decision to amend a contract.

§ 12. Supervision of the performance of the contract

- (1) The supervision of the performance of the procurement contract shall be exercised by the person responsible for the performance of the procurement contract and the head of the respective structural unit.
- (2) Supervision of the performance of the contract means exercising continuous control over the proper performance of obligations by parties to the contract. Among other things, supervision shall be exercised over compliance with the terms of the procurement contract and the timeliness of the submission of claims. The person responsible for the performance of the procurement contract shall notify the procurement specialist of the expiration of any deadlines via email at least 3 calendar days before each deadline. They must also give notice if a claim, payment obligation or the right to collect contractual penalty arises as a result of performing a contract or termination of a contract for any reason.

§ 13. Documents of a procurement procedure

- (1) Documents of a procurement procedure are prepared and stored in accordance with the administrative procedures of TLT.

- (2) Documents of a procurement procedure where the procedure did not terminate with the awarding of a contract, shall be retained for 3 years after the end of the procurement procedure. The documents of a procurement procedure that terminated with the awarding of a contract shall be retained in the same way as the contract.

Annexes:

- 1) procurement plan of TLT;
- 2) person's declaration to avoid conflicts of interest in procurement procedures.