

WPL PROCUREMENT POLICY

Issued Date	May 12, 2021
Applicable to	Staff and contractors
Update	

1. Introduction

Women Political Leaders (WPL) is committed to carrying on its activities in accordance with the highest ethical standards. This includes setting out the criteria for selecting suppliers in the procurement policy. The overall objective is for WPL to define and implement guidelines for buying efficiently and obtain value for money from its suppliers. This policy has been developed to respond to these two objectives.

The management of WPL is committed to complying with all laws. Any staff member who violates the rules in this policy or who permits anyone to violate those rules will be subject to appropriate disciplinary action, up to and including dismissal.

Any questions about this policy can be addressed with WPL's compliance officer.

2. Code of conduct

This policy is intended to help WPL staff members, contractors, and other third parties acting on the foundation's behalf to understand what the procurement process at WPL is and what the rules are which need to be applied.

No staff member, officer, or agent of WPL shall participate in the selection, the award or administration of a contract supported by WPL funds if a conflict of interest, real or apparent, would be involved. By way of example, such a conflict could arise if the staff member, officer or agent; any member of his/her immediate family; his/her partner; or an organisation, which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

The concerned officer shall communicate any real or apparent conflict of interest in writing to WPL Management. Any exceptions to this must be thoroughly documented and reviewed and approved by the President.

No officer, staff member, or agent of WPL shall solicit or accept gratuities, favors, or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Where violations are found to have occurred, the offending staff member, officer, or agent shall be subject to disciplinary action, including but not limited to dismissal.

3. Procurement rules

WPL shall take affirmative steps to assure that small firms and firms supporting or employing minorities, and in particular women's business enterprises are solicited if feasible and appropriate where such affirmative steps are in line with the furtherance of the goals of WPL.

Procurement carried out with WPL funds shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition.

All solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features, which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. All solicitations of offers shall clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, records of past performance, and financial and technical resources.

4. Procurement procedures

The type of procedure used by WPL is that of the negotiated procedure outlined below.

The negotiated procedure can be used when the resulting contract is estimated to have a value equal to or below 300,000 EUR. In this type of procedure, WPL draws up a shortlist of potential bidders, based on their field of activity and expertise and the needs of WPL.

For procedures between 10,000 EUR and 300,000 EUR, WPL promotes these prior to launching on its website and requests expressions of interest to participate. The shortlisted candidates (those who express an interest or those which are identified by WPL) are invited to submit an offer. Only offers received from these candidates are evaluated. The minimum number of candidates to be invited to participate in a negotiated procedure is dependent upon the value of the call.

- ❑ Above 60,000 EUR and equal to or below 300,000 EUR = Minimum five candidates must be invited
- ❑ Above 10,000 EUR and equal to or below 60,000 EUR = Minimum three candidates must be invited
- ❑ 10,000 EUR and below = Minimum one candidate must be invited.

Non-competitive Procedure/Sole Source

Noncompetitive negotiation shall be used when small purchases, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. In order to qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source;
- ii. It is determined that an urgency exists and the urgency will not permit the delay beyond the time needed to employ competitive methods of procurement;
- iii. After solicitation of a number of sources, competition is determined to be inadequate.

Offers proposing the use of subcontractors

Tasks detailed in the technical specifications may be subcontracted to other service providers unless stipulated otherwise in the contract notice or in the bid specifications, e.g. WPL may specify that certain critical tasks cannot be subcontracted. The following shall not be considered subcontracting: a) Use of workers posted to the contractor by another company owned by the same company/group b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency. c) Use of workers temporarily transferred to the contractor from an undertaking that belongs to the same group. d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with an employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract. e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance unless the economic activities of the suppliers and/or the transporting services are within the subject of the bid.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract. The contractor retains full liability towards WPL for performance under the contract as a whole. Accordingly: - WPL will treat all contractual matters (e.g. payments) exclusively with the contractor, whether or not the tasks are performed by the subcontractor; - Under no circumstances can the contractor of WPL avoid liability towards WPL on the grounds that the subcontractor is at fault.

The selection criteria regarding the legal, economic, financial, technical, and professional capacity will be evaluated on a consolidated basis unless specified differently in the procurement documents. The evidence must be included in the offer for subcontractors only if the capacity of those subcontractors is necessary to satisfy the minimum capacity requirements; - The award criteria will be evaluated in relation to the offer as a whole. During the procurement procedure, if a subcontractor does not meet the exclusion or selection criteria, the contracting authority will request their replacement with a new subcontractor. Any change in subcontracting including the introduction of new subcontractors must be in line with the provisions of the contract. During the execution of the contract, the contractor needs the express written permission of WPL to replace a subcontractor.

When preparing an offer, bidders should take full account of the procurement documents which include: Invitation Letter, Bidder Specifications, including its annexes, for example, the Draft Contract, as they will define and govern the contractual relationship (including contract type and duration) to be established between WPL and the successful supplier.

If WPL considers that the offers received can be improved, including

financial offers, negotiations can be carried out on equal terms for all bidders. Clarification emails and phone calls are possible, provided the same level of clarification is provided to all the solicitors.

5. Selection procedures (for negotiated procedure)

WPL will appoint an evaluation committee composed of three people from at least two different departments at WPL.

Selection Criteria - The bidder's capacity to perform the contract is assessed based on their proven;

Legal capacity

Economic and financial capacity

Technical and professional capacity

Award Criteria

The evaluation committee will evaluate the offers against the award criteria stated in the bidder specifications. No criteria other than those stated in the bidder specifications will be used.

Quality evaluation (quality award criteria)

The quality evaluation of the offers will be based on the criteria listed in the bid specifications.

To ensure the quality evaluation takes full account of the needs of WPL, WPL will assign a weighting to each criterion and stipulate a minimum threshold for each criterion and/or for the quality award criteria as a whole.

At the end of the quality evaluation, each offer will be assigned an overall quality score and it will be determined whether or not the minimum quality threshold was met.

Financial evaluation (price award criteria)

The financial offer of those bidders whose technical offer met the minimum quality threshold for the quality award criteria will be considered for the identification of the most economically advantageous proposal, provided the financial offer is made within the maximum budget specified in the bid specifications.

In most WPL bids the most economically advantageous proposal will be

identified by comparing the overall quality score of the offer with its price, in accordance with the formula set out in the bid specifications.

The offer with the highest value obtained using this formula will be regarded as the most economically advantageous proposal.

The bid specifications further specify the exclusion, selection, and award criteria. Suppliers are strongly recommended to refer to those bid specifications for more details on all evaluation steps.

6. Board endorsement

No staff member or contractor will suffer as a consequence of bringing to the attention of the Board or senior management, in good faith, a known or suspected breach of this policy nor will any staff member or contractors suffer any adverse employment or contract decision for abiding by this policy.

7. Confidentiality & public access to documents

WPL undertakes to protect commercial interests by treating all information contained in an offer as confidential. WPL will not disclose any information where such disclosure would hinder the application of the law, be contrary to the public interest, harm bidders' legitimate business interests, or distort fair competition.

8. Compliance controls

Senior management in each WPL work area is responsible for ensuring that their work area has a culture of compliance and effective controls to comply with what outlined in this policy.

9. Staff Responsibility

You have the obligation to read and follow this Policy, to understand and identify any red flags that may arise in activities, and to escalate potential compliance concerns related to the procurement processes to the compliance officer or the Foundation Board without notifying anyone involved in the transaction and should not take any actions prior to receiving advice and/or instructions.

10. Non-compliance

Any WPL staff member or contractor, who violates this policy may be subject

to appropriate disciplinary action, independently from potential other penalties resulting from their behaviour.

11. Updates, Review, and Ownership

This policy may be updated from time, and the updated version of the policy will be immediately made available on the WPL intranet.

If you have any questions about this policy, its interpretation, or its application to potential activity, or if you would like to report a known or suspected violation of this policy, please contact WPL's compliance officer Stephanie Michel by email at stephanie@wpleaders.org