

Directive concerning purchases at EPFL of 1st June 2019, status as at 20th December 2023

LEX 5.8.1

The Direction of the Ecole polytechnique fédérale de Lausanne hereby adopts the following:

General provisions

Article 1 Objective

- The present document lays out the rules and procedures concerning purchases at EPFL and the duties of the various actors involved in the purchase of goods or services on behalf of EPFL, regardless of their source of financing.
- The present directive and its annexes apply to all EPFL¹ employees.
- All amounts indicated in the present document are without VAT and in Swiss francs (CHF).

Article 2 Legal basis and supporting reference documents

Purchases at EPFL are governed by the following legal texts:

- General Terms and Conditions of the Swiss Confederation for the Procurement of Goods of September 2016
- General Terms and Conditions of the Swiss Confederation for Service Contracts of September 2016
- General Terms and Conditions of the Federal Government for Research Contracts September 2016
- General Terms and Conditions of the Swiss Confederation for the Purchase and Maintenance of Hardware of October 2010
- General Terms and Conditions of the Swiss Confederation for the Procurement and Maintenance of Standard Software of October 2010
- General Terms and Conditions of the Swiss Confederation for IT Works Contracts and Contracts for the Maintenance of Individual Software of October 2010
- General Terms and Conditions of the Swiss Confederation for IT Services of October 2010
- *Directive d'inventaire* of 23rd January 2019 (LEX 5.9.1)
- Federal Act on Public Procurement (FAPP) of 21st June 2019 (LEX 5.8.2.2)
- Federal Ordinance of Public Procurement (OPP) of 21st June 2019 (LEX 5.8.2.3)
- Procedure in the event of conflicts of interest concerning the acquisition of goods and services (LEX 5.8.3)
- Declaration of Impartiality
- Selection file (set of documents, including in particular the offer, the description of the equipment and a concise summary justifying the choice made)
- Tendering report

Article 3 Abbreviations and definitions

- **DA:** Department of Procurement
- **DSI:** Department of Information Systems
- **ECO:** Equipment & Centers Management Office
- **FAPP:** Federal Act on Public Procurement
- **GTC:** General Terms and Conditions
- **OPP:** Federal Ordinance of Public Procurement

¹ By "EPFL" is understood the Ecole polytechnique fédérale de Lausanne and all of its Units.
Version 2.1

- **VPO:** Vice Presidency for Operations
- **Consumables:** Raw materials, finished or partially finished products destined either for sale to third parties or for the manufacture of such goods, or else for the completion of scientific services.
- **Contract:** A convention or agreement which creates an obligation for one or several persons towards one or several others. Four conditions must be satisfied in order to render a contract valid: “the consent of the promiser, his or her legal capacity, a certain object and a licit cause.”
- **Equipment:** Items which may be used repeatedly and for which the intended operating life is greater than one year, taking into account normal or average wear and tear (tools, machines, buildings, etc.).
- **FAPP threshold:** Threshold value from which the FAPP becomes applicable.
- **OPP threshold:** Threshold value from which the OPP becomes applicable.
- **Order:** Placed via the EPFL procurement platform (CATALYSE), an order is a formal commitment (contract) between two parties expressing mutual interest. The requestor wishes to acquire goods or a service for an agreed price; the seller wishes to provide goods or a service and to transfer the ownership of such items for an agreed price.
- **Procurement platform:** eProcurement tools available to EPFL employees, used for placing orders:
 - Catalyse” made up of the eProcurement IVALUA software;
- **Purchase:** General term covering the acquisition of goods and services, either through payment or leasing.
- **Purchaser:** Specialised employee from the DA, responsible for negotiations and the monitoring of supplier relations.
- **Requestor:** Any EPFL employee with a requirement who creates a purchase request on a procurement platform or a request for proposals.
- **Service:** An intangible benefit which is immediately consumed, as opposed to a longer lasting, tangible item.
- **SIMAP:** “*Système d’information sur les marchés publics en Suisse*” (information system on public procurement in Switzerland) (Simap.ch) is the joint electronic platform of the Confederation, the Cantons and the communes in the domain of public procurement. Public contracting entities publish tenders and related documents here.

General policy for purchases and organisation

Article 4 General policy for purchases at EPFL

- EPFL’s policy is to ensure that goods, service contracts and construction work are delivered under optimal conditions within the legal framework concerned (FAPP / OPP).
- The Department of Procurement (hereinafter “DA”) is responsible for the general policy for purchases at EPFL.
- All requests for the creation of a new profile in SIMAP shall be subject to prior validation by the DA.
- In addition, EPFL requires that purchasers be particularly attentive in their respect of the following points:
 - Ensuring compliance with the Federal Act on Public Procurement (FAPP) and the related Ordinance (OPP);
 - Ensuring equal opportunities and fair competition between suppliers;

- Ensuring the respect of free competition, with no distinction between the origins of goods (Swiss or abroad);
- Ensuring that EPFL requirements are met as well as possible, while seeking optimal solutions with regard to global life cycle costs, energy consumption and sustainability.

Article 5 General principles

- As a general rule, Units are responsible for all purchases concerning them and place their orders themselves via the procurement platforms available.
- Units contact the DA for complex purchases, price negotiations and for commercial and contractual terms and conditions.
- All public tenders (for all types of purchase) must be notified to the DABS prior to their publication. The DAS ensures their correct supervision and respect of procedures.
- In the case of the acquisition of scientific equipment with a value upwards of CHF 150,000, the DA and ECO collaborate in the preparation, launching and monitoring of the procedure.

Article 6 Roles and responsibilities of the Department of Procurement

- For all types of purchase, the DA participates proactively in acquisition procedures and their documenting. It supervises the Units during public tenders (drafting of request for proposals, choice of procedure).
- For scientific equipment with a value upwards of CHF 50,000, the DA and ECO participate proactively in acquisition procedures, in providing support for the creation of their documentation, and for the resulting negotiations and purchase agreements.
- Exceptional cases excluded, the DA is the sole body authorised to publish public tenders in SIMAP on behalf of EPFL. For scientific equipment, ECO publishes in SIMAP.
- The DA is responsible for the development of the offer by means of electronic catalogues, in respect of user requirements and pre-negotiated conditions.
- The DA provides support and advice on questions of a legal nature regarding purchase agreements. If necessary, support is also provided through internal or external experts.
- The DA proactively assists the Units in their negotiations with suppliers.
- The DA organises regular meetings with representatives and contact persons from the various Schools and Vice Presidencies in order to enhance coordination and information-sharing.
- The DA represents EPFL before the coordinating bodies of the ETH Domain (namely KOBE-ETH+) and ensures association with the Federal Office for Buildings and Logistics (FOBL).
- For all purchases exceeding CHF 10,000, the DA and ECO recommend obtaining at least 3 offers minimum.
- The DA ensures that all stakeholders, both within and external to EPFL, participate in an award procedure that is governed by the FAPP, and that they understand and sign the declaration of impartiality in accordance with Article 3 de the OPP. The objective of this declaration is to ensure that only those employees and external agents who are capable of assessing bids in a fully neutral and independent manner are involved in award procedures.

Article 7 Roles and responsibilities of Units

- In all cases, for amounts exceeding CHF 150,000, Units must identify their

requirements and draft a request for proposals before proceeding to a purchase.

- The Heads of Research Units or their representatives are responsible for the identification of technical and scientific requirements.

Article 8 Agreements with suppliers

- By “agreement” is understood all documents which provide clarification regarding financial or legal questions and/or questions relating to the technical execution of a purchase. Agreements may concern all types of purchase of goods or services (purchase and maintenance of material and software, service mandates, etc.).
- The DA has sole authority for the negotiation of agreements.
- A list of agreements and their content can be found on the EPFL IVALUA procurement platform. This list is for internal EPFL use only.

EPFL purchasing procedures

Article 9 Budget

- Units which purchase goods and services must be in possession of financial means enabling them to cover the costs incurred.

Article 10 Request for proposals

- A request for proposals is used to precisely identify the specific characteristics of goods or services to be purchased. It includes at least the two following items:
 - Description of the environment in which the intended equipment will be used and the definition of the expected characteristics and capacities,
 - Technical specifications,
 - Award criteria:
 - Quantitative.
 - Qualitative.

The Project Manager or requestor for the purchase of goods or services is responsible for the accurate description of the technical specifications, the identification of expected characteristics and capacities and the quantitative and qualitative award criteria for tenders. As far as possible, related costs incurred (for example, infrastructure costs) as well as maintenance costs must be detailed.

- Unless otherwise negotiated, the General Terms and Conditions for the Swiss Confederation shall be used without fail, according to the nature of the purchase.
- In accordance with the FAPP/OPP, the creation of a request for proposals is mandatory for all intended acquisition upwards of CHF 150,000. ECO is responsible for the initiation, monitoring of processes and the coordination of purchases of scientific equipment. However, the request for proposals for all scientific equipment must be approved by the DA and ECO.
- When an acquisition or service reaches or exceeds the amount of CHF 230,000 over four years (CHF 8,7000,000 for buildings), it is appropriate to plan for a public tender.
- To place an order, the requestor selects suppliers based on quantitative and qualitative criteria which can be objectively evaluated.
- For all purchases of equipment (goods and services) with a value upwards of CHF 50,000 and below CHF 150,000, a justification for the choice of supplier in the form of the selection documents must be submitted along with the other documents submitted via the procurement platform, which will be approved by the Units responsible for the procedure and then published in the form of a negotiated private contract on SIMAP (Annex 1). It is recommended to obtain at least 3 offers.

Article 11 Evaluation of proposals and allocation

- The evaluation of competing proposals is conducted according to a protocol. This written protocol must focus primarily on the following points:
 - **Technical compliance:** the technical and/or scientific requirements identified in the tender and/or request for proposals must be met.
 - **Price and operating costs:** when comparing bids, the service life and the operating costs for goods and services offered is taken into account.
 - **Quality and respect of deadlines:** past experiences with suppliers should be duly noted, namely with regard to the quality of the goods or services provided and the respect of deadlines.
 - **Respect of the General Terms and Conditions of the Swiss Confederation:** when comparing offers, preference is to be given to a tenderer who accepts the General Terms and Conditions of the Swiss Confederation. Any derogations are subject to approval by the DA and an internal and/or external legal service if necessary.
 - **Negotiations:** after launching a FAPP/OPP procedure, all negotiations are excluded. A technical/sales discussion prior to launching the call for tender can take place with the potential bidder(s).

Article 12 Creation of suppliers

- Before placing any order, the supplier must exist in the corresponding electronic procurement platforms.
- In the IVALUA tool, the requestor opens a supplier creation request form and enters the legal entity and commercial data for the supplier. This supplier creation request is submitted by IVALUA to the DA and Supplier Accounting, who decide whether or not to approve the addition of this supplier to the EPFL database. Once the supplier is created, IVALUA sends confirmation to the requestor and the order can be placed using IVALUA.

Article 13 Orders

- Orders must be placed using the EPFL electronic procurement platforms which can be accessed via the SESAME portal. **Orders are mandatory upwards of CHF 1,000.**
- All documents relating to an order must be downloaded in the IVALUA procurement platform.
- All orders must obligatorily refer to a valid offer; this offer must answer the request for proposals or the object of the request. A valid offer is defined as one which fulfils at least the following criteria: a price is indicated, a deliverable (goods or service) is clearly defined and a validity date is mentioned.
- For the purchase of scientific equipment, all orders exceeding CHF 50,000 are subject to pre-approval by ECO and the DA (completed in the system once the order has been created by the requestor in one of the EPFL electronic procurement platforms).
- For purchases in the IT category, all orders exceeding CHF 50,000 are subject to joint pre-approval by the DSI and the DA (completed in the system once the order has been created by the requestor in the EPFL electronic procurement platform).
- For all other categories of purchase, all orders exceeding CHF 50,000 are subject to pre-approval by the DA (completed in the system once the order has been created by the requestor in the EPFL electronic procurement platform).
- All orders with a value of below CHF 50,000 are placed by the ordering Unit.

Article 14 Entry of goods

- The entry of goods is a transaction on the EPFL electronic procurement platforms which permits the confirmation of receipt of equipment, consumables or services in accordance with the order.
- The entry of goods is mandatory for all goods or services with a value equal to or exceeding CHF 10,000. Goods must then be entered in the inventory in accordance with the *Directive d'inventaire*.
- For all products subject to tracking, entry of goods is mandatory.

Article 15 Compilation of purchasing files at EPFL

- Order files must be stored on the EPFL electronic procurement platform or within the purchasing Unit for a minimum of 10 years. All documents which must imperatively be included in the file are marked "x" in the table below:

Article 16 Overview table

Documents to be kept	Orders equal to or exceeding (all amounts are without VAT):			
	CHF 10,000	CHF 50,000	CHF 150,000 (Purchase of goods and services)	CHF 230,000 - (c) (Purchase of goods or services)
Authorisation to call for tender (for the acquisition of scientific equipment)				×
Placing of order using IVALUA	×	×	×	×
Request for proposals			×	×
Offers (a)	×			
Tender report/Selection file		×	×	×
Copy of the order	×	×	×	×
Order confirmation		×	×	×
Delivery note or service report	×	×	×	×
Entry of goods	× ^(b)	×	× ^(b)	× ^(b)
Copy of the invoice	×	×	×	×
Acceptance protocol		× ^(d)	× ^(d)	× ^(d)
Entry in the electronic inventory	×	×	×	×

(a) All offers taken into consideration during the evaluation of an order file (successful tender and competing bids).

(b) If necessary and in accordance with the instructions in the Directive d'inventaire de l'EPFL, enter in the electronic inventory.

(c) CHF 8,700,000 for construction contracts (subject to international agreements, Annex 4, FAPP), threshold values FAPP.

(d) If defined in the request for proposals for the purchase of goods.

Final provisions

Article 17 Entry into force

This directive entered into force on 1st June 2019, and was revised on 10th May 2021 (version 2.0) and on 20th December 2023 (version 2.1).

On behalf of the EPFL
Direction:

President:
Martin Vetterli

Director of Legal Affairs:
Françoise Chardonnens

Section 5 *Annex(es)*

Annex 1 – Example/model list for purchases of CHF >50,000 and <230,000

	Name and address of selected bidder	Article	Market value (CHF)	Type of procedure used	Start date of contract/implementation period
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					