



Approved:

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Standard Operating Procedure (SOP)

on Procurement related to projects, implemented by IOM Bulgaria with resources provided by the Programs of Republic of Bulgaria under AMIF, ISF, NFM or other programs managed by Bulgarian authorities

1. Purpose

The purpose of this SOP is to provide detailed guidance on the specific steps IOM Bulgaria follows for procurement under the projects, financed with resources provided by the Programs of Republic of Bulgaria under Asylum, Migration and Integration Fund (AMIF), Internal Security Fund (ISF), Norway Financial Mechanism (NFM) or other programs managed by Bulgarian authorities.

This SOP is applied to every procurement procedure related to grant agreement with Bulgarian authorities signed by IOM Bulgaria in case such an agreement requires utilization of national procurement procedures.

The procurement process under such grant agreement is to comply with the specific national legislation namely the Chapter IV of the Law on the management of funds from European funds under shared management and the Council of Ministers Decree № 4 (11 January 2024) for determination the rules for

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consideration and evaluation of offers and the conclusion of contracts in the selection procedure with a public invitation from beneficiaries of grants from the European Funds under shared management.

The Council of Ministers Decree № 4 dated 11 January 2024 mandates specific protocols that are distinct from standard IOM procurement guidelines.

The Public Procurement under the rules of Council of Ministers Decree № 4/2024 is to be carried out via web based electronic Information System for Management and Monitoring of EU Funds in Bulgaria 2020 (UMIS): <https://eumis2020.government.bg>.

The UMIS is used under the programs of the Republic of Bulgaria financed by EU funds. This system is administered by the Bulgarian Government (Council of Ministers Administration) and is obligatory to be used by all Managing Authorities and all grant beneficiaries in Bulgaria. The UMIS is used for preparation and submission of project proposals under open Call for Proposals launched by the Donors and later on once the grant agreement for awarded project proposal is signed the UMIS is used for all steps in the project implementation period, including for all communications between the Donors and grant beneficiaries, submission of requests for payment, narrative and financial reports, correspondence under the projects, etc.

Each project has unique profile in the UMIS containing the awarded project proposal, grant agreement, project budget, project management and implementation team, correspondence between Donor and beneficiary, narrative and financial reports submitted, requests for payment and other information and documents related to the project implementation.

The project profile can be accessed only by authorized representative of the beneficiary using master code (password) provided by the Donor after signature of the grant agreement to the Project Manager. For each project of IOM Bulgaria the master code (password) is provided by the Donor to the IOM Head of Office who later on can create additional accounts and provide codes (passwords) for this particular project to other IOM experts (key members of the project implementation team, RMO, members of procurement team). When creating the account for some IOM expert HoO shall give rights for access to different UMIS functionalities, project sections and project documentation. Hence the procurement section under UMIS,

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including tender launched and bids received can be viewed and accessed only by IOM experts provided by HoO with code with permission for access UMIS Procurement section.

The module for project implementation in UMIS has specific functionality (section) for procurement under the project. The beneficiary is obliged to create every procurement tender using UMIS and to launch the open call for bids by UMIS. The launched tender is visible for all potential bidders who can submit their offers (bids) using UMIS. After expiration of the deadline for submission of bids the received bids can be opened only by IOM experts provided with passwords to access the particular project.

The contracts with vendors signed based on successful bid are also uploaded in UMIS with reference to the procurement tender under which the particular bid is awarded.

2. Scope

This SOP applies to all procurement activities under the AMIF, ISF, NFM or other programs managed by Bulgarian authorities conducted by IOM Bulgaria, covering goods, services, and works sourced under the grant agreement requiring respect of Chapter IV of the Law on the management of funds from European funds under shared management and the Council of Ministers Decree № 4 dated 11 January 2024.

It is intended to establish a clear audit trail for the purpose of internal auditing to ensure accountability, compliance, and alignment with national and IOM procurement standards.

3. Roles and Responsibilities

The key actors in the process of preparation and implementation of procurement procedures under this SOP are:

- **Head of Office (HoO):** Ensures oversight and final authorization of procurements, including signature of the procurement contracts with vendors.
- **Resource Management Officer (RMO):** Coordinates procurement processes, verifies documentation, and ensures adherence to national and IOM standards.

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- **Procurement Team (PT):** Responsible for implementing procurement steps, evaluating bids, and maintaining documentation for audit compliance.
- **Evaluation Committee (EC):** team of experts appointed by the HoO to consider and evaluate the offers received under a particular procurement procedure.
- **Project management and implementation team (PMIT):** team of experts that are responsible for management and implementation of the project under which procurement is prepared. The PMIT is responsible to support PT in the process of elaboration of Terms of Reference for goods/services/works to be procured.
- **Project Manager (PM):** The person nominated to manage a particular project and to lead PMIT under this project.

4. Procurement Process

Step 1: Procurement Planning

- **Action:** Prepare a procurement plan based on the approved project budget under projects financed by AMIF, ISF, NFM or other programs managed by Bulgarian authorities.
- **Responsible:** PMs and RMO.
- **Output:** Procurement plan outlining needs, timelines, and budget alignment.

Procurement plan contains every procurement procedure for goods, service or works envisaged in the project budget in case the spendings under such procurement are higher than 30 000 BGN (Bulgarian leva) without value added tax (VAT) for goods and services or higher than 50 000 BGN (Bulgarian leva) without value added tax (VAT) for works. These procurements are carried out in compliance with the principles of free and fair competition, equality, respect for fundamental rights and non-discrimination by procedure of Public Invitation as it is envisaged in Council of Ministers Decree № 4 dated 11 January 2024.

IOM do not conduct a selection procedure with a public invitation for the acquisition or lease of land, existing buildings or other immovable properties, as well as for the establishment of limited real rights, with the exception of financial services related to these transactions.

IOM shall not conduct a selection procedure with a public invitation, when awarding the contract to another person would lead to a violation of copyright or other intellectual property rights, or of exclusive rights acquired by virtue of a law or an administrative act. In this case, the beneficiary shall notify the managing authority in advance.

Step 2: Preparation of procurement procedure

- **Action:** Preparation of procurement documentation for public invitation for goods/services/works respecting specific requirements and templates stipulated under Council of Ministers Decree № 4 dated 11 January 2024.
- **Responsible:** PT with support from PMIT under the supervision of RMO.
- **Output:** Detailed procurement documentation, containing at least:
 - Public Invitation;
 - Terms of Reference, describing in detail the scope of the goods/services/works, indicative contact budget, term for implementation of the contract, etc.;
 - Offer Template;
 - Template of declaration as per Council of Ministers Decree № 4 dated 11 January 2024;
 - Contract Template;
 - Methodology for offers evaluation, if applicable.

The selection criteria – selection of successful bidder is based on the most economically advantageous offer.

The most economically advantageous tender is determined based on one of the following award criteria:

- lowest price;
- cost level, taking into account cost effectiveness, including life cycle costs;
- optimal quality/price ratio, which is evaluated on the basis of the price or the level of costs, as well as indicators including quality, environmental and/or social aspects related to the subject of the order.

The selected criterion for the award is indicated in the public invitation.

The tender documentation elaborated by IOM Procurement team is subject of pre-bidding review by the Managing Authority (the Donor) of the Program under which the respective grant agreement is signed.

The draft tender documentation is to be submitted to the Donor via UMIS for consideration. The Donor may issue a letter with recommendations that IOM Bulgaria shall take into account and adjust draft tender documentation if necessary. Until the end of 2023 the Donors did pre-bidding review for all procurement tenders. In the beginning of 2024 the Donor informed beneficiaries that pre-bidding review will be carried out by the Donor for sample of procurement tenders selected by the Donor and for all procurement tenders above 80 000 BGN.

Step 3: Publication of Tender

- **Action:** Post a public invitation for bids on the web based Information System for Management and Monitoring of EU Funds in Bulgaria 2020 (UMIS), ensuring publication aligns with the Council of Ministers' requirements on the National Single Portal.
- **Timeline:** Minimum 7 days (10 days for construction-related procurement).
- **Output:** Public announcement, including clear instructions for bid submission.

The Public Invitation and it's supplementary documents pointed in Step 2 (Terms of Reference, draft contract, templates, etc.) is launched by IOM using the web based electronic Information System for Management and Monitoring of EU Funds in Bulgaria 2020 (UMIS).



The Public Invitation defines the deadline for submission of bids and Guidance for potential bidders.

Simultaneously with tender publication via UMIS the procurement tender is published also at IOM Bulgaria web site at: <https://bulgaria.iom.int/do-business-us-procurement>

Step 4: Submission and Evaluation of Bids

- **Action:** Accept and securely store all submissions. Form a EC designated by the HoO with an odd number of IOM experts who are provided with UMIS codes (passwords) for access the bids received
- **Responsible:** Evaluation Committee members, ensuring neutrality by signing declarations of impartiality and confidentiality immediately after learning the names of the bidders. The EC members are obliged to keep secret the circumstances that became known to them during or on the occasion of their work in the EC.

The EC shall thoroughly consider the bids received comparing them against the Terms of reference and other requirements set by IOM in tender documentation. When necessary EC may request bidders to provide clarifications and additional information to respect all the conditions set under the Public Invitation. The EC shall select successful bid using the selection criteria pointed out in the Public invitation.

- **Output:** Selection report documenting each bid's assessment based on established criteria.

Step 5: Award and Contracting

- **Action:** Award the contract to the successful bidder. Notify all candidates and allow a 5-day appeal period.
- **Responsible:** HoO, RMO and PT.

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- **Output:** Finalized contract with the selected vendor, signed and compliant with national requirements.

Step 6: Documentation and Record Keeping

- **Action:** Maintain thorough records of the procurement process, including all announcements, bids, evaluations, and award decisions.
- **Responsible:** RMO and PT.
- **Output:** Complete procurement dossier for internal and external audits.

The tender dossier and all documents related to contract implementation, including communications between IOM and vendor, documents confirming delivery of goods/services/works, payments done by IOM to the vendor, etc. is subject of post-bidding review by the Donor in the process of verification of project expenditures. In case the Donor identify incorrect application of the rules established by Chapter IV of the Law on the management of funds from European funds under shared management and the Council of Ministers Decree № 4 (11 January 2024) it leads to financial corrections imposed to IOM regarding the expenditures occurred under the procurement affected.

7. Compliance and Monitoring of contract implementation

- **Action:** Monitoring of the implementation of the procurement contracts signed
- **Responsible:** RMO, PM, PMIT
- **Output:** Respect of the contract provisions, scope of the Terms of Reference and the bid of the vendor, including as regards the price, quality and conditions for delivery of goods/services/works. Establishment of documentary evidence about the implementation of the procurement contract and delivery of the goods/services/works.

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Regular internal audits will review procurement activities to ensure adherence to IOM and national policies. Any discrepancies will be addressed through corrective action and additional training.

Attachments:

- **Annex A:** Procurement Audit Trail
- **Annex B:** Council of Ministers Decree № 4 (11 January 2024)
- **Annex C:** IOM Procurement Policy Document IN 271

This SOP provides a clear, step-by-step guide to ensure compliance, transparency, and readiness for internal audits.

Annex A

Procurement Audit Trail

| Step | Task | Time | Responsible | Required documents for Step | Outputs of Step |
|-------------|----------------------|----------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1 | Procurement Planning | 1 month after signature of project grant agreement | PMs and RMO | Approved project budget Signed grant agreement Plan for implementation of project activities | Procurement plan outlining needs, timelines, and budget alignment |

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|---|--------------------------------------|---------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Preparation of procurement procedure | As per the Procurement plan | PT and PMIT | Draft Terms of reference elaborated by PMIT Project budget | Detailed procurement documentation elaborated |
| 3 | Publication of Tender | In accordance with the publication date pointed out in the Public Invitation document | PT | Public Invitation signed by the HoO with all supplementary documents | Public procurement launched |
| 4 | Submission and Evaluation of Bids | 1 week | HoO, RMO, EC | Bids received till the deadline | EC appointed Declarations for impartiality signed by the members of EC Correspondence with the bidders if any Protocol for the work of the EC and the results from the evaluation of the bids and proposal for successful bidder |

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|---|----------------------------------|------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 5 | Award and Contracting | 1 week after LEG confirmation | RMO and HoO | Protocol from EC with proposal of successful bidder Draft Service Agreement | Contract with the vendor signed |
| 6 | Documentation and Record Keeping | During the procurement process and | RMO and PT | Tender Documentation; Bids received; Decision for appointment of the EC; Declarations for impartiality signed by the EC members; Communication with bidders; Protocols for the work of the EC; Documents provided by the selected bidder prior contract signature; Contract signed. | Complete procurement dossier |

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|---|------------------------------------------------------|----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 | Compliance and Monitoring of contract implementation | Until the end of the contact with the vendor | PM, PMIT, RMO | Contract with the vendor Offer/bid of the vendor Correspondence between IOM and vendor as regards contract implementation | Delivery of goods/service/works with respect of the contract provisions, scope of the Terms of Reference and the bid of the vendor, including as regards the price, quality and conditions for delivery of goods/ services/ works. Establishment of documentary evidence about the implementation of the procurement contract and delivery of the goods/services/works |
|---|------------------------------------------------------|----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|