



REGULATION

Reg no STYR 2020/562

Date 3 September 2020

Vice-chancellor

Regulations for Purchasing at Lund University¹

1. Definitions and references to other decisions

1.1 Purchasing is defined as the entire process from demand to termination of an agreement:

- procurement of goods, research equipment, services and building contracts
- contract management
- call-offs and orders from contracts
- delivery checks
- meetings, follow-ups and negotiation with suppliers, and
- invoice management

1.2 Strategic purchasing refers to the focus on the organisation's mission, integration into the organisation's overall strategies and goals, decisions and support at management level, the holistic approach, the long-term perspective, development-oriented work, cross-functional work and fact-based analysis.

1.3 Supplier refers to a legal person, sole trader or other form of legal business entity that delivers goods, services, research equipment and construction contracts to Lund University.

¹ Jeanette Jakobsson, Head of Procurement at the Finance Division and Annette Nilsson, General Counsel at the Legal and Records Management Division participated in the management of this matter.

- 1.4 In the present regulations, department also refers to other comparable organisational units within Lund University, including centres, faculty offices and divisions of central administration. The term “head of department” also refers to the heads of these other units.
- 1.5 Strategic work with purchasing refers to defining targets and guidelines for the University’s purchasing activities, designing strategies for range and suppliers, managing categories, designing strategies for procurement and supplier development etc.
- 1.6 Authority to sign award decisions and other contracts concerning purchasing, insofar as it is not specified in the present regulations, derives from the “Regulations on the allocation of decision-making powers and the right to sign agreements at Lund University”, the “Approval Rules – regulations on the authority to allocate University funds” and sub-delegations or other regulations/decisions that take their place.²³
- 1.7 Authority to take decisions to use the University’s funds derives from the “Approval Rules – regulations on the authority to use University funds”⁴.

2. General provisions

Lund University is to conduct purchasing and procurement in accordance with the National Public Procurement Strategy⁵.

- 2.1 Purchasing/ordering should be done via the procured supplier in the existing agreement.

² Reg. no STYR 2019/1540

³ STYR 2020/563

⁴ See footnote above.

⁵ Government Offices of Sweden/Department of Finance, 30 July 2016

- 2.2 In accordance with ordinance 2003:770 on electronic exchange of information at public authorities and the vice-chancellor's decision of 11 April 2013, Reg. no 2013/7, electronic orders should be made, wherever possible, via the procured supplier in Lund University's e-procurement system or the invoice management system.
- 2.3 If a procured agreement does not exist and the total purchase value, including all options, is estimated to exceed the European Commission's stated threshold value, or if the purchase involves a renewed competition exceeding the same threshold value, the procurement is to be requested from the University's Finance Division. The calculation of the threshold value covers the whole of Lund University, not merely a single faculty, department or equivalent.
- 2.4 A request for a procurement is to be approved in compliance with the applicable authorisation plan. The principal guarantees via their signature that the current purchase is funded. Where applicable, a guarantee is also made that the premises in which the equipment is to be placed are suitable and/or that negotiations according to the Swedish Employment (Co-Determination in the Workplace) Act or equivalent negotiations have been completed. The placing of a request entails the Finance Division managing the matter.
- 2.5 Purchases regulated by Chapter 3, Sections 19-27 of the Public Procurement Act (2016:1145), that is, specific exclusions in the scope of the area, are managed by the relevant department.
- 2.6 When a purchase falls within the framework of the exceptions regulated in Chapter 6, Sections 12-19 of the Public Procurement Act (2016:1145) (negotiated procedure without prior publication) the following is to apply:
- a) below the threshold value: the matter is managed by the relevant department, which documents the reasons in a

decision and seeks approval from the university director. The department is to register and archive the decision.

b) above the threshold value: the matter is processed by the relevant department sending in a request for procurement to the Finance Division. This decision is then to be delivered to the head of procurement and finally approved by the university director. The Finance Division is to register and archive the decision.

- 2.7 Direct awards of contract above SEK 100 000 are to be registered and archived by the person managing the purchase⁶. Orders and renewed competitions in the e-procurement system must be registered separately.
- 2.8 If the University incurs costs such as procurement fines, damages, penalties and legal costs, that expense is to be borne by the relevant department.
- 2.9 The Finance Division is to conduct annual spot checks to follow up on contract compliance and report the result to the university director and to the Purchasing Council.

3. Managing conflicts of interest

- 3.1 An agreement may not be concluded with a company in which an employee or a relative of an employee is co-owner or has a position of influence on operations, if the employee or relative of the employee's involvement in the supplier company entails that;
 - the employee is subject to a conflict of interest with regard to the implementation of their work duties or in the management of the purchase, and those tasks cannot be taken over by another person; or

⁶ Public Procurement Act (2016:1145) Chapter 19, Sections 30 and 31.

- the involvement in the supplier company can be deemed a prohibited secondary employment through the agreement with the University; or

- the employee risks breaching the law or other regulations through their involvement.

3.2 The same applies to any cooperation agreement between the University and a legal person, sole trader or other legal business entity in which an employee or a relative of an employee is co-owner or has a position of influence on operations.

4. Specific points concerning purchasing services within teaching and research

4.1 The main rule is that teaching and research at Lund University should be conducted by an employed member of staff. The exercise of public authority must not be transferred to external parties.

4.2 The purchase of services for conducting teaching or research requiring specific expertise should only apply to short-term or temporary engagements. Before a decision is taken on the purchase of such services, the faculty board or whichever faculty-level function to which the task has been delegated by the board must determine by way of a written decision whether the service is to be purchased instead of being conducted by employed staff. However, such a decision does not have to be taken when purchasing services for conducting the University's contract education and work placements.

5. Roles and responsibilities

5.1 The departments and the Finance Division

- cooperate on tactical and strategic purchasing matters through reference groups in procurement processes, category teams and the Purchasing Council

5.2 Procurers

- report to the head of procurement
- provide expertise regarding procurement and are responsible for the administrative, commercial and legal aspects of a procurement
- manage and direct work on the procurements they process

5.3 The reference group in an individual procurement process

- consists of department representatives or equivalent who are to have a mandate from their management
- represents their organisation and their colleagues
- contributes expertise and experience
- actively participates in the entire procurement process
- specifies requirements for goods/services on the basis of the needs of the organisation and takes part in evaluations and decisions based on the requirements of each procurement, and
- is managed by procurers

5.4 Category team

- constitutes a permanent reference group in common matters regarding purchasing strategies such as procurement processes, range strategies, supplier strategies, e-procurement and monitoring of agreements within each category
- consists of representatives from the departments (or equivalents) and the Finance Division and is, when necessary, complemented by subject specialists
- is to be established as required and is managed by the head of procurement/category manager

5.5 Purchasing Council

- provides support in strategic purchasing considerations
- convenes twice per year or whenever necessary
- prepares general decisions on purchasing matters, e.g. changes to policies or regulations
- constitutes opportunity for consultation and reporting of strategic purchasing operations
- consists of representatives from department, faculty and University management as well as the finance director and head of procurement

5.6 The departments

- process all call-offs for framework agreements, with the exception of renewed competitions when these entail a value above the European Commission's threshold value
- process all direct awards of contract and simplified procurements

5.7 Head of department

In relation to purchasing, the management responsibilities of the head of department include:

- ensuring that the department's purchases are made in compliance with applicable targets, laws, rules and guidelines
- leading, coordinating and allocating the department's purchasing tasks
- appointing purchasing coordinators
- ensuring that staff working on purchasing matters have the necessary expertise

5.8 Purchasing coordinator

- is appointed by the head of department or equivalent
- serves as a contact person regarding purchasing matters
- circulates information within the department, enabling purchasing to be conducted correctly
- has basic knowledge of applicable laws, ordinances, rules and guidelines within purchasing

Details of the purchasing coordinator currently appointed are to be registered and updated in the University's staff directory. The purchasing coordinator is to participate in compulsory training.

5.9 Purchasers

- all parties at Lund University who have the right to call-off, make purchases and order products and
- have basic knowledge of applicable laws, regulations, rules and guidelines, enabling purchasing to be conducted correctly

5.10 Purchases and procurement at the Finance Division

- processes all procurements and renewed competitions above the European Commission's threshold value, unless agreed otherwise

5.11 Head of the Finance Division

- manages strategic work on purchasing operations
- leads work on procurement, e-procurement and agreement follow-up
- forms and manages the category teams
- takes decisions on any reports of deviations from public framework agreements
- provides templates and training to support the entire University

- provides support in the interpretation of relevant EU directives and other relevant legislation concerning purchasing and procurement
- has the right to delegate tasks to the head of procurement

Any other decision-making authority is specified by the “Regulations on the allocation of decision-making powers and the right to sign agreements at Lund University”⁷ and its sub-delegations.

Changes to the regulations have been negotiated in compliance with Section 11 of the Swedish Employment (Co-Determination in the Workplace) Act on May 28, Lag (1976:580)-.

⁷ Reg. no STYR 2019/1549