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REGULATORY DOCUMENT

COVER PAGE

Guidelines for Purchasing at Lund University

Type of regulatory document: Guidelines

Definition of the type of regulatory document: Guidelines establish how someone must or should act in the area covered by the guidelines. A “must” rule is to be complied with, whereas the nature of a “should” rule is more of a strong recommendation, which means that in exceptional cases something can be done in another way.

Decision-maker: Vice-Chancellor

Date of decision: 10 October 2024

Registration number: STYR 2024/1912

Entry into force: 10 October 2024

Period of validity: until further notice

Replaces document: Regulations for Purchasing at Lund University. Vice-Chancellor’s decision dated 3 September 2020. Reg. no STYR 2020/562

Organisational unit responsible for the document: Division of Finances

Administrative officer responsible for the document: Assistant Head of the Division of Finances Agneta Sjöfors

Short description: The Guidelines state the general rules for purchasing and procurement, and what must be processed by whom and how collaboration must be conducted within Lund University regarding purchasing and procurement matters. The Guidelines also define a number of roles within purchasing.



DECISION

Reg. no STYR 2024/1912*Date* 10 October 2024

Vice-Chancellor

Guidelines for Purchasing at Lund University

1. Purpose and references

The purpose of these Guidelines is to ensure clarity concerning the general rules that apply for purchasing and procurement, as well as what must be processed by whom and how collaboration must be conducted within Lund University on purchasing and procurement matters.

The Guidelines constitute a supplement to, among other things, the Swedish Public Procurement Act (LOU), the EU's Procurement Directive and Lund University's Purchasing Policy.

Decision-making powers regarding purchasing at Lund University are stated in the following parts of the regulatory framework and the sub-delegations resulting from them.

- Approval Rules – Guidelines for the Authority to Allocate Lund University's Funds, 10 October 2024, Reg. no STYR 2024/1911 or decisions in place of this.
- Lund University's Rules on the Allocation of Decision-Making Powers and the Right to Sign Agreements at Lund University, 8 February 2024, STYR 2024/335, or decisions in place of this.

2. Definitions and use of words in these Guidelines

Employee: A person who is employed by the University and conducts work under the University's management and control. This includes teaching staff, researchers, administrative staff and technical staff. The employee has fixed working hours, receives a guaranteed salary and is

entitled to benefits such as holiday pay and sick pay. Compare with Contractor.

Call-off orders: Purchases under a framework agreement.

Agreement management: Ensures a high level of agreement compliance, among other things by making agreements accessible in an agreement database, carrying out information initiatives and simplifying order procedures. Follows up that the suppliers have supplied what has been agreed throughout the agreement period regarding set requirements, price, quality, delivery and results. Manages extensions and price adjustments.

Agreement register: A searchable register containing information on the procedure for call-off orders in all university-wide agreements.

Direct award: The most common situation in which direct award is used is if there is no appropriate agreement and that the intended purchase has a value below the direct award limit of SEK 700,000. Unless otherwise stated in these Guidelines, this is the situation referred to.

Individual procurement process: In these Guidelines, this term refers to procurements carried out by the Division of Finances on behalf of a department for specific purchasing requirements within its organisation, e.g. purchasing of equipment for a research project or purchasing of a service, when the equipment or service is not covered by a framework agreement.

Purchasing: The entire process from the requirement to expiration of an agreement: procurement, agreement management, call-off orders and orders under agreements, delivery checks, follow-ups, negotiation with suppliers and invoice management.

Purchasing network: A network established with the aim of spreading knowledge and information about purchasing. A purchasing network may be established within a faculty or on a cross-faculty basis.

Purchasing Council: A body that provides support concerning purchasing strategy considerations, drafts overall decisions on purchasing

matters and is a potential coordination resource when the purchasing strategy work ties in with other university-wide strategies, e.g. relating to IT, infrastructure and sustainability. Consists of representatives from faculty and University management, head of the Division of Finances and head of procurement. Established by the Vice-Chancellor and led by the head of procurement.

Purchasing strategy work: To draw up goals and guidelines for the University's purchasing activities, to formulate range and supplier strategies, category management, procurement strategy, supplier development strategy etc.

Department: In these Guidelines, the term department also refers to other comparable organisational units at Lund University, such as centres, faculty offices and divisions. The term **head of department** also refers to the head of such units.

Category team: Permanent reference group in joint purchasing strategy matters such as procurement, range strategies, supplier strategies, e-commerce and agreement follow-ups within each category. Consists of representatives from departments and the Division of Finances, and is supplemented where necessary by technicians, finance officers, subject specialists etc. Established, when required, by the head of procurement.

Suppliers: Legal person, sole trader or other form of business entity that provides goods or services or carries out construction contracts.

Reference group for an individual procurement process, when the procurement is conducted centrally: Consists of department representatives who have a mandate from their management, represent their organisation, contribute expertise and experience and knowledge of the purchasing requirement in question and participate actively throughout the procurement process. Department representatives are responsible for drawing up requirement specifications and producing documentation for what is to be procured, and contribute during the tender phase by answering questions from the suppliers and in the evaluation of the tenders. They are also responsible, in cases where such has not already been carried out, for conducting the initial needs analysis,

external monitoring and market analysis. A reference group is established for each procurement and is managed by procurement officers.

Reference group for a university-wide procurement: Consists of organisation representatives who have good knowledge of the organisation's needs within the area of activity the procurement refers to, as well as any experts in the area concerned. The organisation representatives must ascertain and monitor the entire University's needs, as well as experiences from any previous agreements in the area. Furthermore, they must be active in the setting of requirements and evaluation. In a university-wide procurement, the procurement officer takes a larger role than in an individual procurement in terms of carrying out the initial work on needs analysis, external monitoring and market analysis – in cases where this has not already been conducted. A reference group is established for each procurement and is managed by procurement officers.

Threshold value: The amount limit decided by the European Commission and which determines the rules a procurement must comply with: either the directive-regulated procedures above the threshold values or the national procedures below the threshold values. As most of Lund University's procurements are regulated by the Swedish Public Procurement Act (LOU), the threshold value used in the Guidelines is the one that applies for LOU in the allocation of roles and responsibilities even though there may be another threshold value of another law that determines the rules that must be complied with in other respects.

Contractor: A person or legal person engaged to carry out specific assignments on behalf of the University. This could include visiting lecturers, consultants or companies that carry out specific services. The contractor works independently and makes decisions on how, when and where the work is to be carried out. The contractor relationship is often temporary and limited to the specific assignment or project. Compare with Employee.

University-wide agreement: Agreements that are intended to be used by the whole of Lund University for call-off orders, sometimes via a

division, in which case the call-off order information is stated in the agreement. A university-wide agreement can be of various types: a framework agreement procured by Lund University itself or with other higher education institutions, a government framework agreement that Lund University has decided can be used for direct call-off orders or an agreement signed after a university-wide call-off order under a government framework agreement, e.g. through renewed competition.

3. General rules

For all purchases, a check must be carried out to ascertain whether there is already an internal or university-wide agreement that covers the purchasing need in question and that can be used. If there is such an agreement, it must be used, otherwise a procurement must be conducted.

Ordering: In accordance with the Ordinance on the Exchange of Electronic Information by Government Agencies (2003:770), and the Vice-Chancellor's decision dated 11 April 2013, Reg. no EK 2013/7, orders must be made, wherever possible, via a procured supplier in Lund University's e-procurement system

Procurement: All procurements must be guided by the fundamental principles that are based in EU law and have been established to create sound transactions and counteract corruption. The provisions in procurement laws must always be interpreted in the light of these.

- Principle of equal treatment: To treat tenderers equally and, for example, not give one more information than another.
- Principle of proportionality: That requirements and terms for the procurement must be reasonable in relation to what is being procured. Requirements must be both reasonable and necessary for achieving the aim of the procurement. If there are several options, the option chosen should be that which is least burdensome for the suppliers.
- Principle of transparency: That the entire process must be characterised by transparency and predictability. The procurement documents must be clear and explicitly formulated,

include all requirements regarding what is to be procured and contain information about how the procurement will be conducted.

- Principle of non-discrimination: It is forbidden to discriminate against suppliers on the grounds of nationality. It is not permitted, for example, to set requirements that only Swedish suppliers are aware of or can manage to fulfil.
- Principle of mutual recognition: That substantiation and certificates issued by member states' appropriate public authorities also apply in other EU/EEA countries.

For purchasing and procurement it is not only the procurement laws that must be complied with but also other applicable rules such as the Administrative Procedure Act's provisions on conflict of interest, different environmental and sustainability requirements, secrecy in accordance with the Public Access to Information and Secrecy Act, rules on information security and data protection and requirements for registration and archiving. All those whose work involves purchasing and procurement are responsible for keeping up to date with what applies to ensure a sound transaction and good regulatory compliance.

If the University incurs costs such as procurement fines, damages, penalties and legal costs, the expense must be borne by the relevant department.

The Division of Finances must carry out annual spot checks with a reasonable level of ambition to follow up agreement compliance and regulatory compliance in general, and report the results to the university director.

3.1 More on conflict of interest and corruption

In connection with call-off orders and procurements, the risk of bribery must always be taken into account. Employees are not to be subjected to or subject others to the risk of being suspected of corruption. An employee processing a case must from an observer's viewpoint be impartial and objective, and not, neither themselves nor their relatives,

benefit from or be disadvantaged by the decision that the employer is processing.

Conflict of interest is described in more detail and regulated in the Administrative Procedure Act, Chapter 16, Section 18. A person who feels there are circumstances that could be assumed to place them in a conflict of interest must immediately report this to their immediate manager. If it is feared that there is a risk of conflict of interest, the processing of the call-off order/procurement must be such that the risk of conflict of interest is completely eliminated. This entails, for example, that the person who has a conflict of interest may not participate in the formulation of the needs specification, evaluation of tenders, purchasing or signing of agreements.

An agreement may not be concluded with a supplier in which an employee or a relative of an employee is co-owner or has a position of influence over 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
- the involvement in the supplier company can be deemed as prohibited secondary employment through the agreement with the University; or
- the employee risks breaching the law or other regulations through their involvement.

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

3.2 Specific points concerning purchasing in relation to teaching and research

Lund University's core activities, i.e. education, research and external engagement, must as a general rule be conducted by staff, i.e. employees.

The form of employment may vary: permanent employment, substitute, fixed-term employment, employed by the hour etc.

However, in exceptional cases it may be appropriate, efficient and necessary to supplement the University's existing expertise by engaging contractors for certain delimited assignments. Example: Certain components of a programme may be of such a special nature that it is not possible for employees to conduct these. Furthermore, in certain programmes teaching by professionally active individuals in both the private and public sectors is necessary to provide overall high-quality education for the students. It may be relevant that guest academics are brought in for certain components of a course, for example as guest lecturers. Guest academics should only be engaged to a very limited extent on each occasion but may be engaged on a regular basis such as every semester or academic year.

The engaged contractor must be independent in relation to Lund University, and the assignment for the University is not to preclude the contractor from taking on other assignments.

There are two ways to engage and pay contractors: through remuneration of a natural person or by signing an agreement with a legal person, sole trader or other form of business entity that invoices Lund University. In the latter case, procurement rules must be complied with.

The exercise of public authority, for example regarding assessment, is not to be carried out by contractors. This also applies to the organisation's more long-term provision of expertise regarding the conducting of core activities being fulfilled with support from contractors.

Before decisions are taken on extensive purchasing of services for the conducting of education or research, the faculty board, or the function to which the faculty board has delegated the assignment, must through a decision determine whether the service must be carried out through the purchase of services and not the use of employed staff. However, such a decision does not need to be made when the purchase relates to contract education or placements.

If there is any uncertainty regarding matters of employment or remuneration, the HR Division must be consulted, whereas uncertainty regarding matters of procurement requires consultation with the Division of Finances.

4. Collaboration and coordination

The **departments/faculties** and the **Division of Finances** must collaborate on purchasing matters through purchasing networks, reference groups in procurements, category teams and the Purchasing Council.

Department purchasing coordinator

Each department must have at least one purchasing coordinator, who acts as a link between the Division of Finances and purchasers and orderers in the organisation regarding purchasing matters. The purchasing coordinator also acts as support for their own organisational unit regarding purchasing information and how purchasing is best coordinated within the department.

The purchasing coordinator at department level must have good knowledge of the organisation in question's purchasing organisation and purchasing needs as well as basic knowledge of applicable laws, ordinances, rules and guidelines within purchasing.

The purchasing coordinator at department level is appointed by the head of department. Information on the department's purchasing coordinator must be registered and updated in the University's staff register.

Faculty purchasing coordinator

Each faculty may have a purchasing coordinator, who collaborates with the Division of Finances on tactical and strategic purchasing matters. If the faculty so chooses, the purchasing coordinator also maintains the purchasing network and/or overall coordination of purchasing at their own faculty.

The purchasing coordinator at faculty level must have good knowledge of the faculty's purchasing organisation and purchasing needs as well as basic knowledge of applicable laws, ordinances, rules and guidelines within purchasing.

The head of the faculty office is responsible for informing the Division of Finances about who is the purchasing coordinator for the faculty.

5. Processing and decision-making roles

The departments may process:

- call-off orders relating to university-wide agreements in accordance with the instructions in the university-wide agreement register
- renewed competition and call-off orders in dynamic purchasing systems, unless otherwise stated in the university-wide agreement register
- direct awards in accordance with the guidelines for direct awards
- advertised procurements under the threshold value in accordance with the transition provisions at the end of this document, or as agreed with the Division of Finances.

When a purchasing need applies to their own organisation, the department is responsible for, and independently manages:

- preliminary studies including needs analysis, market analysis etc.
- introduction of goods/services in their organisation
- follow-up and management of the agreement – for agreements produced after central processing, possibly with partial support from the Division of Finances

If a procurement over the direct award limit is required, the procurement must be ordered from the Division of Finances:

- The order must be approved in accordance with the applicable approval plan.

- Approval of the order entails a decision to use the public authority's funds in accordance with the Ordinance (2006:606) on Public Authority Accounting, Section 22, including the Swedish National Financial Management Authority's regulations and general recommendations relating to the paragraph.
- The approver guarantees with their signature that there is funding for the purchase in question.
- Where appropriate, it is also guaranteed that the premises in which the equipment will be placed is adapted for it and/or that negotiations in accordance with the Swedish Employment (Co-Determination in the Workplace Act) or equivalent have been completed.

The **Division of Finances** processes procurements exceeding the limit for direct award and is responsible for agreement management of university-wide agreements unless decided or agreed otherwise.

The **head of department** has decision-making powers regarding purchasing and procurement in accordance with the Approval Rules – Guidelines for the Authority to Allocate Lund University's Funds.

The head of department's managerial responsibilities regarding purchasing-related areas include:

- ensuring the department's purchasing is conducted in accordance with applicable goals, laws, rules and guidelines
- leading, coordinating and allocating the department's purchasing work
- appointing a purchasing coordinator
- ensuring that staff whose work involves purchasing have the necessary competence

The **head of the Division of Finances** has decision-making powers regarding purchasing and procurement in accordance with the Approval Rules – Guidelines for the Authority to Allocate Lund University's Funds and the Rules on the Allocation of Decision-Making Powers within the University Administration at Lund University.

The **head of procurement** has responsibility and decision-making powers in accordance with sub-delegation from the head of the Division of Finances.

6. Purchasing roles

Orderer

Being an orderer means, within the framework set by the head of department, the authority to order goods and services from existing agreements, if the head of department permits it, on a direct award basis for values under SEK 100 thousand.

Orderers must have basic knowledge on what, where and how orders may be made, as well as necessary knowledge on processing in relevant support systems.

Purchaser

Depending on how the head of department allocates the department's purchasing work, and based on what the department may process, all or some of the following tasks may be included in the assignment:

- handling coordinated orders for all or part of the department
- processing direct awards for values under SEK 700 thousand
- conducting renewed competition and call-off orders in dynamic purchasing systems

Purchasers must have good knowledge of the applicable laws, ordinances, rules and guidelines in the area of purchasing, particularly concerning the assignments that the purchaser has been allocated.

Furthermore, the purchaser must have good knowledge of the organisation's purchasing needs and good knowledge of processing in relevant support systems.

Purchasers who are to conduct a procurement for which there is an obligation to advertise under the threshold value must also have basic knowledge of the administrative, commercial and legal aspects of procurement as well as agreement management.

Procurement officers

Procurement officers are part of the Division of Finances. Procurement officers lead the work on the procurements that they process and have special responsibility for administrative, commercial and legal aspects of the procurements.

Procurement officers must have good knowledge of procurement, including its administrative, commercial and legal aspects, as well as agreement management.

Procurement officers must have a good understanding of Lund University's activities and a good ability to project manage procurement assignments and to collaborate with reference groups and the supplier market.

7. Entry into force etc.

The Guidelines replace Regulations for Purchasing at Lund University (3 September 2020, Reg. no STYR 2020/562) and enter into force on 10 October 2024.

Transitional provisions:

Departments/equivalent also process – up to their faculty's/equivalent's transition date according to below – procurements with an obligation to advertise under the LOU threshold value, i.e. between SEK 700 thousand and approx. SEK 1.5 million. When procurement needs within this range arise after the dates stated below, the procurement must be ordered by the Division of Finances.

- 1 January 2025: Faculty of Law, Faculty of Social Sciences, School of Economics and Management, Faculty of Fine and Performing Arts, Joint Faculties of Humanities and Theology, the University's Specialised Centres, and Lund University's Cultural and Public Centres.
- 1 April 2025: Faculty of Engineering (LTH), Faculty of Science, University Library, Central Administration
- 1 July 2025: Faculty of Medicine