

**PUBLIC CONTRACTS AND ASSET MANAGEMENT DEPARTMENT  
UNIVERSITY OF MURCIA**

2024, April

**GENERAL OVERVIEW OF THE PUBLIC PROCUREMENT PROCEDURE  
March 2024**

**Principles Inspiring the Public Sector Contracts Law**

Freedom of access to tenders. Publicity and transparency. Non-discrimination and equal treatment among candidates.

From the text of the new Law and due to community influence, other principles are included, such as: confidentiality, motivation of decisions, economy, efficiency, and the achievement of social objectives and environmental protection.

**Objectives**

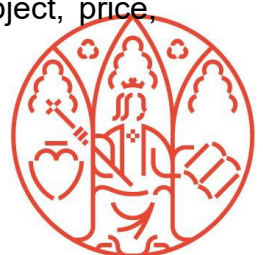
Efficient use of public funds (control of spending and budgetary stability).  
Safeguarding of free competition. Selection of the most advantageous offer.

In a very general way, the procurement procedure at the University of Murcia follows the outline indicated below, which is used in the contracting of works, services, and supplies:

**I. Contract Preparation Phase.**

The contracting unit must enter the following documents into the Elara-contratación application, which are detailed in section III of the UM Procurement Guide:

- Justification report for the contract
- Motivated report on the characteristics that should identify the contract to be celebrated.
- A Technical Specifications Document (TSD) defining its object, price, and duration or delivery deadline.



- For contracts with economic costs, a budget proposal must be signed by the person responsible for the budget item.

With this documentation, the contracting process is initiated.

## II. Processing of the file

1. Resolution to initiate the procedure and justification of the chosen one, as well as the award criteria.

The Resolution is prepared by the **PUBLIC CONTRACTS AND ASSET MANAGEMENT DEPARTMENT** and signed by the Contracting Authority (CA). The Contracting Authority is the one who drives the process through the issuance of the appropriate administrative acts. In our University, the CA is the Rector.

2. Once the procurement procedure has been initiated, the so-called Administrative Clauses Document (ACD) is prepared, which contains, among other relevant aspects, the rights and obligations of the parties and how interested companies must submit their bids for the contract. An important part of it is the Contract Characteristics Document, which is prepared using one of the documents provided to the **PUBLIC CONTRACTS AND ASSET MANAGEMENT DEPARTMENT** by the contracting unit.

This document must be favorably reviewed by the Legal Advisory.

3. Simultaneously with the drafting of the ACD by the **PUBLIC CONTRACTS AND ASSET MANAGEMENT DEPARTMENT**, the Economic Management Area (EGA) will be requested to provide the budget availability document. The information for the preparation of this document was also provided by the contracting unit at the beginning of the procurement process. It is not uncommon for the files to affect budgets for several fiscal years. This

entails the processing of multi-year expenses that, in some cases, are subject to approval by the Governing Council and, on other occasions, also by the Social Council.

4. Once these actions have been taken, the file is subject to scrutiny by the Internal Control Area, upon proposal from the Management.



### III. Contract Notice and Tendering

1. After favorable scrutiny, the file is approved by the CA and the publication of the tender notice on the Public Sector Contracts Platform follows. This notice marks the opening of the tender period, which varies depending on the procedure used, the contract amount, and the type of contract. During this period, interested companies (potentially, bidders) gather information and documents related to the tender and submit their bids.

2. After the tender period has expired and bids have been submitted, the Tender Board [a collegiate body chaired by the Manager and composed of several members of the PUBLIC CONTRACTS AND ASSET MANAGEMENT DEPARTMENT, the Legal Advisory, and Internal Control] proceeds to open them in one or more sessions, separately or jointly, as the case may be, which must be publicly announced on the contracting authority's profile on the Public Sector Contracts Platform when it comes to opening the envelopes containing the following information:

- a. Envelope A, containing documentation regarding the bidder's personality, capacity, and representation.
- b. Envelope B, containing proposals corresponding to subjective value judgment criteria. These proposals are subject to review by a Technical Committee that studies them and makes a reasoned proposal for evaluation to the Board.
- c. After receiving the previous report, envelope C is opened, which contains automatic evaluation criteria.

Based on the above evaluations, the Tender Board makes a proposal for award to the CA.

Before the award, the company must submit certain documentation and the definitive guarantee or bond.



After submitting the documentation, the award will be made within 5 days, unless it concerns harmonized regulation procedures. The contract will be formalized, and its execution period will begin.

#### **IV. Award, appointment of the responsible party, and contract formalization**

1. The contract award also entails the appointment of a responsible for its execution. This person will report on any incidents that may arise during its execution.
2. The current contracts law clearly favors end-to-end electronic processing of the file. This means that the initial documents, internal processing of the file, announcement, submission of bids by bidders, their opening and review, award and notification, and other procedures are carried out electronically, which obviously poses a technological challenge.

