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## Rules for purchasing\*

\*The English translation has been generated using an automatic translation service. In case of any discrepancy or discussion regarding translated governing documents, the Swedish original text shall always prevail

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## 1. Introduction

Luleå University of Technology is responsible, as a government agency, for ensuring that allocated resources are managed and used in the most efficient way possible. This means, among other things, that the university must seek out and take advantage of competition in the market in order to do good business. At the same time, suppliers must be given the opportunity to compete on equal terms in each procurement, as objectivity, impartiality and equal treatment must characterise the University's operations.

The University and all its representatives must act in a businesslike, objective and business ethical manner in all purchasing and procurement situations to ensure that the University is perceived as a credible part in the public and private markets. All advertised and direct procurements must always consider the fundamental principles of EU law on public procurement, i.e. the principles of non-discrimination, equal treatment, proportionality, openness (predictability and transparency) and mutual recognition.

Purchases to the University must consider the UN Declaration of Human Rights, the ILO's core conventions, diversity and sustainability, if it does not conflict with the principles of EU law.

All employees must be familiar with the rules and behave in a businesslike manner. All employees must also be aware of the rules for irregularities, conflicts of interest, bribery and secondary employment.

All purchases to the University must be correct and efficient from an overall perspective, from the actual need to the paid invoice. All purchases must be approved by an authorized person at the university.

An employee of the University may **not** submit a tender to the University. Furthermore, employees may not offer their services as part of tenders submitted to the university. If there are special reasons, exceptions can be made. Such an exception shall be decided by the Vice-Chancellor. See document *Guidelines regarding secondary occupations at Luleå University of Technology*.

### 1.1 Extent

The rules apply to all purchases of goods, services, contracts and concessions within the University and cover all organisational units within the University. The rules apply to all employees.

Purchase refers to a purchase where payment is made to an external party for goods and/or services. An external party refers to another legal entity with a corporate identity number other than the university's. In case of unique products or services, an external party may also be private individuals or associations/foundations.

## 1.2 Economic units

The term "economic units" refers to all departments and the support services.

Authorised representatives of the University's economic units, in accordance with the document *The Vice-Chancellor's decision and delegation rules for LTU*, have the following tasks and authority:

- Contact the procurement function when a need arises for an advertised procurement
- Sign a final agreement for the purchase of goods or services with an assumed supplier
- Make call-offs from existing framework agreements
- Making direct procurements

The costs, possible damages and/or procurement fines that may arise because of non-compliance with the regulations around procurement are the responsibility of each economic unit.

## 2. Purchasing Process

Purchases for the University take place within the process "Purchase goods and services". The purchasing procedure is divided into three stages: *Securing purchases* (procurement), *Making purchases* and *Paying purchases*. Detailed descriptions for each process can be found on the internal web.

*Secure purchasing* (procurement) includes advertised procurement, reopening competition and direct procurement. *Making purchases* includes the ordering process. *Pay purchases* include the management and control of supplier invoices.

## 3. Secure purchasing/procurement

The University is a procuring authority under the Swedish Public Procurement Act (LOU). Regardless of where within the University a purchase takes place, the University is the procuring authority. Therefore, high demands are placed on the coordination of purchases within the university.

### 3.1 Responsibilities

The Vice-Chancellor bears the ultimate responsibility for all procurement, regardless of the source of funding and regardless of where within the University the procurement takes place. Delegation of responsibility and authority is set out in the document *The Vice-Chancellor's decision and delegation rules for LTU*.

### 3.2 Procurement function

All advertised procurements with a value above the direct procurement limit and all reopening competition must be handled by the procurement function.

The procurement function has overall responsibility for ensuring that procurement procedures take place in accordance with national and international regulations in the field. In addition, the procurement function is responsible for training and information in the area of procurement.

The procurers in the procurement function are the employees who are appointed to conduct the opening of tenders.

### 3.3 Swedish Public Procurement Act

All contacts with suppliers and other actions in connection with procurement activities must be conducted in accordance with applicable laws – primarily the Swedish Public Procurement Act and related EU law principles – as well as the University's internal regulations. The Swedish Public Procurement Act regulates advertised procurements.

### 3.4 Direct procurement

A direct procurement is a form of procurement without the requirement for advertising, which entails a simpler procedure compared to other procurement procedures covered by the Swedish Public Procurement Act.

A procuring authority has an obligation to document the reasons for its decisions to make a direct procurement and other matters of importance in the procurement, if the value of the procurement exceeds SEK 100,000, see the document *Guidelines for direct procurement*.

Direct procurements are carried out by the cost centers, but if necessary, with the support of the procurement function.

A purchase that is carried out in violation of the regulations of the Swedish Public Procurement Act is to be regarded as an illegal direct procurement. A direct procurement is not permitted regardless of whether an incorrect assessment is made or if the Swedish Public Procurement Act is completely disregarded.

### 3.5 Exceptions to the Swedish Public Procurement Act

When invoking an exemption from the Swedish Public Procurement Act, a written request from the cost center with justification and impact assessment is required. The request must be sent to the procurement function and must be quality assured by the legal function. The written request must be made before a decision on purchase is made.

### 3.6 Durability

The University strives to contribute to a sustainable society by, among other things, setting sustainability requirements in procurements. Therefore, the type of sustainability requirements to be set must always be considered in procurements. Sustainability requirements must always be set when procuring product groups with a high environmental impact or product groups that are designated as risk areas with a high risk of human rights violations. For the university,

it is a priority to reduce the use of plastics, reduce carbon dioxide emissions and increase the proportion of organic food, examples of areas where this may be relevant are consumables, profile products, transport, chemicals, IT products and food.

### 3.7 Equality

Requirements for documentation of gender equality work in accordance with the current *Discrimination Act* must be set in procurements.

## 4. Making purchases

All purchases to the University must comply with the *The Vice-Chancellor's decision and delegation rules for LTU*. Purchases may only be made from companies. As a general rule, companies must be approved for F-tax when purchasing a service.

### 4.1 Purchases from framework agreements

Purchases to the University must be made in accordance with the procedure set out below and direct procurement must take place in accordance with the requirements in the document *Guidelines for direct procurement*.

#### 4.1.1 E-commerce

Purchases to the university should always, if possible, be made via the university's e-commerce system. In the e-commerce system, there are only procured suppliers connected, which means that the purchase is from the procured supplier, with correct prices and predetermined delivery routines. An additional advantage of purchasing via the e-commerce system is that the purchase is approved in advance, which means that the invoice does not need to be handled manually and that control between order, delivery and invoice is automatic.

#### 4.1.2 Webb/phone/e-mail

If call-offs via e-commerce systems are not possible, ordering via web, telephone or e-mail should be applied. It is important to obtain approval from the final approver before purchasing.

#### 4.1.3 Cash-and-Carry

Cash-and-carry purchases should be avoided as far as possible due to environmental, time and work environment aspects and should only be applied restrictively.

### 4.2 The role of the final approver and the purchaser in e-commerce

It is the responsibility of the final approver to continuously approve correct orders in the e-commerce system so that the flow of purchasing goods and services does not stop. Received delivery, if it is correct, must be approved by the purchaser in the financial system.

### 4.3 Representation

For representation, established rules apply, which can be found in the document *Rules for Representation, Gifts, Courses and Conferences*. Representation shall take place in accordance with the applicable framework agreement.

### 4.4 Travel

Travel paid for by the University must be made in accordance with the *Rules for Travel* and must be booked in accordance with the applicable framework agreement.

### 4.5 Correct order documentation

If the need is not covered by a framework agreement, the purchaser must provide information to the supplier in accordance with the instruction *what an order should contain* so that both the order and invoicing are correct.

### 4.6 Complain about purchases

In the event of a defect in goods, services or delivery, a complaint must be made. The purchaser contacts the supplier to leave the complaint. In the event of serious or recurring errors, the contract manager must be contacted for a dialogue with the supplier.

## 5. Pay for purchases

The University's invoices must be handled in accordance with applicable legal requirements, recommendations and decisions. If the purchase has been made via the e-commerce system, the purchase is approved in advance and the invoice does not require any further approval, provided that the invoice is consistent with the order and delivery.

### 5.1 Personal costs

Person-specific costs must always be approved by the superior manager.

### 5.2 Employee expenses

Purchases to the university may **not** be made with private funds. Exceptions to this are expenses in connection with business travel where booking is not possible with a framework agreement provider, such as parking fees or bus tickets.

#### 5.2.1 Deviations from rules on employee expenses

In special cases, the Head of Department/Head of VSS may decide to deviate from the rules for purchasing regarding employees' expenses. Permission must be requested from the Head of Department/Head of VSS for each individual occasion. Any deviation from the rules without the consent of the Head of Department/Head of VSS means that the employee is personally liable for the expense. The immediate manager decides whether the request for deviation should be submitted to the Head of Department/Head of VSS or whether the expense should be paid for by the employee himself/herself.

The expense is registered in Primula, where a receipt must also be attached. The case is then sent for review and decision by the immediate manager and Head of Department/Head of VSS.

### 5.3 Correct invoice

An invoice issued to the University must contain certain specific information in accordance with *the VAT Act* and *the Accounting Act* and be sent electronically in accordance with *the Act on Electronic Invoices as a Result of Public Procurement*. The employee who makes a purchase is responsible for providing the supplier with correct invoicing documentation according to the job description *What an order should contain*.

### 5.4 Company card

Company cards where the University is responsible for payment should only be used in exceptional cases where the supplier is unable to send a regular invoice.

For business travel, employees can apply for a payment card with personal liability, such cards should only be used for payment of costs in connection with the trip where an invoice cannot be issued, such as bus travel or similar. Debit cards with personal liability may not be used for private expenses. Any expenses with the card are handled afterwards via travel expenses.

*Rules for company cards* must always be applied when using company cards issued by the university.