
The Direction of the Ecole polytechnique fédérale de Lausanne hereby adopts the following:

Section 1 General provisions

Article 1 Objective

- The present document lays out the rules and procedures concerning purchases at EPFL and the duties of the various actors involved in the purchase of goods or services on behalf of EPFL, regardless of their source of financing.
- The present directive and its annexes apply to all EPFL¹ employees.
- All amounts indicated in the present document are without VAT and in Swiss francs (CHF).

Article 2 Legal basis and supporting reference documents

Purchases at EPFL are governed by the following legal texts:

- General Terms and Conditions of the Swiss Confederation for the Procurement of Goods of September 2016
- General Terms and Conditions of the Swiss Confederation for Service Contracts of September 2016
- General Terms and Conditions of the Federal Government for Research Contracts September 2016
- General Terms and Conditions of the Swiss Confederation for the Purchase and Maintenance of Hardware of October 2010
- General Terms and Conditions of the Swiss Confederation for the Procurement and Maintenance of Standard Software of October 2010
- General Terms and Conditions of the Swiss Confederation for IT Works Contracts and Contracts for the Maintenance of Individual Software of October 2010
- General Terms and Conditions of the Swiss Confederation for IT Services of October 2010
- *Directive d'inventaire* of 23rd January 2019 (LEX 5.9.1)
- Federal Act on Public Procurement (FAPP) of 16th December 1994 (LEX 5.8.0.2)
- Federal Ordinance of Public Procurement (OPP) of 11th December 1995 (LEX 5.8.0.3)
- Procedure in the event of conflicts of interest concerning the acquisition of goods and services (LEX 5.8.3)
- Declaration of Impartiality

Article 3 Abbreviations and Definitions

- **DABS:** Strategic Purchasing Office
- **ECO:** Equipment & Centers Management Office
- **FAPP:** Federal Act on Public Procurement
- **GTC:** General Terms and Conditions
- **OPP:** Federal Ordinance of Public Procurement
- **VPRHO:** Vice Presidency for Human Resources and Operations

¹ By "EPFL" is understood the Ecole polytechnique fédérale de Lausanne and all of its Units.

- **Consumables:** Raw materials, finished or partially finished products destined either for sale to third parties or for the manufacture of such goods, or else for the completion of scientific services.
- **Contract:** A convention or agreement which creates an obligation for one or several persons towards one or several others. Four conditions must be satisfied in order to render a contract valid: “the consent of the promiser, his or her legal capacity, a certain object and a licit cause.”
- **Equipment:** Items which may be used repeatedly and for which the intended operating life is greater than one year, taking into account normal or average wear and tear (tools, machines, buildings, etc.)
- **FAPP threshold:** Threshold value from which the FAPP becomes applicable.
- **OPP threshold:** Threshold value from which the OPP becomes applicable.
- **Order:** Placed via an EPFL procurement platform (IVALUA or SAP-SRM), an order is a formal commitment (contract) between two parties expressing mutual interest. The requestor wishes to acquire goods or a service for an agreed price; the seller wishes to provide goods or a service and to transfer the ownership of such items for an agreed price.
- **Procurement platform:** eProcurement tools available to EPFL employees, used for placing orders:
 - “Catalyse” made up of the eProcurement IVALUA software;
 - “SAP-SRM”, in cases where Catalyse is not available throughout the whole of EPFL.
- **Purchase:** General term covering the acquisition of goods and services, either through payment or leasing.
- **Purchaser:** Specialised employee from the DABS, responsible for negotiations and the monitoring of supplier relations.
- **Requestor:** Any EPFL employee with a requirement who creates a purchase request on a procurement platform or a request for proposals.
- **Service:** An intangible benefit which is immediately consumed, as opposed to a longer lasting, tangible item.
- **SIMAP:** “*Système d’information sur les marchés publics en Suisse*” (information system on public procurement in Switzerland) (Simap.ch) is the joint electronic platform of the Confederation, the Cantons and the communes in the domain of public procurement. Public contracting entities publish tenders and related documents here.

Section 2 *General policy for purchases and organisation*

Article 4 *General policy for purchases at EPFL*

- EPFL’s policy is to ensure that goods, service contracts and construction work are delivered under optimal conditions within the legal framework concerned (FAPP / OPP).
- The Strategic Purchasing Office (hereinafter “DABS”) is responsible for the general policy for purchases at EPFL.
- In addition, EPFL requires that purchasers be particularly attentive in their respect of the following points:
 - ensuring compliance with the Federal Act on Public Procurement (FAPP) and the related Ordinance (OPP);
 - ensuring equal opportunities and fair competition between suppliers;

- ensuring the respect of free competition, with no distinction between the origins of goods (Swiss or abroad);
- ensuring that EPFL requirements are met as well as possible, while seeking optimal solutions with regard to global life cycle costs, energy consumption and sustainability.

Article 5 General principles

- As a general rule, Units are responsible for all purchases concerning them and place their orders themselves via the procurement platforms available.
- Units contact the DABS for complex purchases, price negotiations and for commercial and contractual terms and conditions.
- All public tenders (for all types of purchase) must be notified to the DABS prior to their publication. The DABS ensures their correct supervision and respect of procedures.
- In the case of the acquisition of scientific equipment with a value upwards of CHF 50,000, the DABS collaborates with ECO in the preparation and launching of the procedure.

Article 6 Strategic Purchasing Office (DABS)

- For all types of purchase, the DABS participates proactively in acquisition procedures and their documenting and supervises the Units during public tenders (drafting of request for proposals, choice of procedure).
- For scientific equipment with a value upwards of CHF 50,000, ECO and the DABS participate proactively in acquisition procedures and their documentation, and supervise the Units during public tenders (drafting of request for proposals, choice of procedure).
- Exceptional cases excluded, the DABS is the sole body authorised to publish public tenders in SIMAP on behalf of EPFL. For scientific equipment, ECO may also publish in SIMAP. All requests for the creation of a new profile in SIMAP are subject to prior approval by the DABS.
- The DABS is responsible for the development of the offer by means of electronic catalogues, in respect of user requirements and pre-negotiated conditions.
- The DABS provides support and advice on questions of a legal nature regarding purchase agreements. If necessary, support is also provided through external consultants.
- The DABS actively assists the Units in their negotiations with suppliers.
- The EPFL ECO Unit ensures the coordination of purchases of scientific equipment with a value upwards of CHF 50,000, for all types of funding relating to procedures for internal funding and/or research projects for which financing may derive from EPFL or an external funding source.
- In this context, ECO works in collaboration with the DABS for tenders, negotiations and contracts.
- The DABS organises regular meetings with representatives and contact persons from the various Schools and Vice Presidencies in order to enhance coordination and information-sharing.
- The DABS represents EPFL before the coordinating bodies of the ETH Domain (namely KOBE-ETH+) and ensures association with the Federal Office for Buildings and Logistics (FOBL).

Article 7 Research Units and Central Units

- For amounts exceeding CHF 50,000, Units must identify their requirements and draft a request for proposals before proceeding to a purchase.
- The Heads of Research Units or their representatives are responsible for the identification of technical and scientific requirements.

Article 8 Frame-agreements with suppliers

- By “frame-agreement” is understood all documents which provide clarification regarding financial or legal questions and/or questions relating to the technical execution of a purchase. Frame-agreements may concern all types of purchase of goods or services (purchase and maintenance of material and software, service mandates, etc.).
- The DABS has sole authority for the negotiation of frame-agreements.
- A list of frame-agreements and their content can be found on the EPFL IVALUA procurement platform. This list is for internal EPFL use only.

Section 3 EPFL purchasing procedures

Article 9 Budget

- Units which purchase goods and services must be in possession of financial means enabling them to cover the costs incurred.

Article 10 Request for proposals

- A request for proposals is used to precisely identify the specific characteristics of goods or services to be purchased. It includes at least the two following items:
 - description of the environment in which the intended equipment will be used and the definition of the expected characteristics and capacities;
 - award criteria:
 - quantitative;
 - qualitative.

The Project Manager or requestor for the purchase of goods or services is responsible for the accurate description of the technical specifications, the identification of expected characteristics and capacities and the quantitative and qualitative award criteria for tenders. As far as possible, related costs incurred (for example, infrastructure costs) as well as maintenance costs must be detailed.

- Unless otherwise negotiated, the General Terms and Conditions for the Swiss Confederation shall be used without fail, according to the nature of the purchase.
- In accordance with the FAPP / OPP, the creation of a request for proposals is mandatory for all intended acquisition upwards of CHF 50,000. The request for proposals for all scientific equipment of a value upwards of CHF 50,000, must be approved by ECO.
- After each FAPP / OPP purchase procedure, a tender report must be drafted. Only after completion of this report may the award be published in SIMAP.
- When an acquisition or service reaches or exceeds the amount of CHF 230,000 over four years (CHF 8,700,000 for buildings), it is appropriate to plan for a public tender.
- To place an order, the requestor selects suppliers based on quantitative and qualitative criteria which can be objectively evaluated.
- For all purchases of scientific equipment, and as far as possible for all purchases with a value upwards of CHF 50,000, the documents submitted via the procurement platform must be accompanied by a justification for the choice of supplier, which will be approved by the Units responsible for the procedure.

Article 11 Evaluation of proposals and allocation

- The evaluation of competing proposals is conducted according to a protocol. This written protocol must focus primarily on the following points:
 - **Technical compliance:** the technical and/or scientific requirements identified in the tender and/or request for proposals must be met.

- **Price and operating costs:** when comparing bids, the service life and the operating costs for goods and services offered is taken into account.
- **Quality and respect of deadlines:** past experiences with suppliers should be duly noted, namely with regard to the quality of the goods or services provided and the respect of deadlines.
- **Respect of the General Terms and Conditions of the Swiss Confederation:** when comparing offers, preference is to be given to a tenderer who accepts the General Terms and Conditions of the Swiss Confederation. Any derogations are subject to approval by the DABS and an internal and/or external legal service if necessary.
- **Negotiations:** bids may be negotiated in accordance with the OPP. At the end of negotiations, it is the offer which is best suited to the requirements identified in the request for proposals that shall be selected with the intention of placing an order.

Article 12 **Creation of suppliers**

- Before placing any order, the supplier must exist in the corresponding electronic procurement platforms.
- In the SAP-SRM tool, the requestor contacts Supplier Accounting for the creation of a supplier if this supplier does not yet exist. The DABS and Supplier Accounting decide whether or not to approve the addition of this supplier to the EPFL database. Once the supplier is created, Supplier Accounting informs the requestor and the order can be placed using the SAP-SRM tool.
- In the IVALUA tool, the requestor opens a supplier creation request form and enters the legal entity and commercial data for the supplier. This supplier creation request is submitted by IVALUA to the DABS and Supplier Accounting, who decide whether or not to approve the addition of this supplier to the EPFL database. Once the supplier is created, IVALUA sends confirmation to the requestor and the order can be placed using IVALUA.

Article 13 **Orders**

- Orders must be placed using the EPFL electronic procurement platforms which can be accessed via the SESAME portal. **Orders are mandatory upwards of CHF 1,000.**
- All documents relating to an order must be downloaded in the SAP-SRM or IVALUA procurement platforms.
- All orders must obligatorily refer to a valid offer; this offer must answer the request for proposals or the object of the request. A valid offer is defined as one which fulfils at least the following criteria: a price is indicated, a deliverable (goods or service) is clearly defined and a validity date is mentioned.
- For the purchase of scientific equipment, all orders exceeding CHF 50,000 are subject to pre-approval by ECO and the DABS (completed in the system once the order has been created by the requestor in one of the EPFL electronic procurement platforms).
- For purchases in the IT category, all orders exceeding CHF 50,000 are subject to joint pre-approval by the VPSI and the DABS (completed in the system once the order has been created by the requestor in one of the EPFL electronic procurement platforms).
- For all other categories of purchase, all orders exceeding CHF 50,000 are subject to pre-approval by the DABS (completed in the system once the order has been created by the requestor in one of the EPFL electronic procurement platforms).
- Orders for scientific equipment with a value of below CHF 50,000 are placed by the ordering Unit and are approved by ECO if the purchase is subject to a procedure or is financed by ECO.

Article 14 **Entry of goods**

- The entry of goods is a transaction on the EPFL electronic procurement platforms which

permits the confirmation of receipt of equipment, consumables or services in accordance with the order.

- The entry of goods is mandatory for all goods or services with a value equal to or exceeding CHF 10,000. Goods must then be entered in the inventory in accordance with the *Directive d'inventaire*.
- For all products subject to tracking, entry of goods is mandatory.

Article 15 **Compilation of purchasing files at EPFL**

- Order files must be stored on the EPFL electronic procurement platform or within the purchasing Unit for a minimum of 10 years. All documents which must imperatively be included in the file are marked "x" in the table below:

Documents to be kept	Orders equal to or exceeding (all amounts are without VAT):			
	CHF 1,000	CHF 10,000	CHF 50,000 (Purchase of goods and services)	CHF 230,000 (d) (Purchase of goods) CHF 150,000 (Purchase of services)
Authorisation to call for tender (for the acquisition of scientific equipment)				X
Placing of order using SRM or IVALUA	X	X	X	X
Request for proposals			X	X
Offers (a)		X	X	X
Tender report				X
Copy of the order		X	X	X
Order confirmation			X	X
Delivery note or service report		X	X	X
Entry of goods	X (b)	X	X	X
Copy of the invoice	X	X	X	X
Acceptance protocol			X (f)	X (e)
Entry in the electronic inventory	X (c)	X	X	X

- (a) All offers taken into consideration during the evaluation of an order file (successful tender and competing bids). For all purchases of scientific equipment, and as far as possible for all purchases with a value upwards of CHF 50,000, the documents submitted via the procurement

platform must be accompanied by a justification for the choice of supplier, which will be approved by the Units responsible for the procedure.

For all acquisitions equal to or exceeding CHF 10,000, bids must be received from three different suppliers without fail.

- (b) For consumables subject to tracking or equipment subject to inventory.
- (c) If necessary and in accordance with the instructions in the *Directive d'inventaire de l'EPFL*, enter in the electronic inventory.
- (d) CHF 8,700,000 for construction contracts (Art. 6 FAPP), threshold values FAPP.
- (e) If defined in the request for proposals for the purchase of goods.
- (f) Upwards of CHF 50,000 for scientific equipment.

Section 4 *Final provisions*

Article 16 *Entry into force*

The present directive cancels and replaces the Directives concerning purchases and inventory (LEX 5.8.1) of 2nd September 2002 (LEX 5.8.1) and abrogates the Purchasing and inventory guide of 2nd September 2002 (LEX 5.8.2).

The present directive enters into force on 1st June 2019.

On behalf of the EPFL Direction:

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