**< Letterhead of the contracting authority >**

NEGOTIATION REPORT for negotiated procedures, (ProcureMent) AND direct award (GRANTs)

REFERENCE NUMBER: <…>  
  
<Contract title>

Maximum budget: <…>

**Contents:** Legal basis for the negotiation (or direct award)

Selection of participants

Timetable of meetings/negotiation rounds

List of representatives from the participants and the contracting authority present at each of the meetings/negotiation rounds  
Description of the negotiation process  
Negotiation result  
Signatures

Approval by authorising officer

**Annex:** Correspondence concerning the negotiation [letters, e-mail, faxes, proof documents etc.]

Legal basis for the negotiation (or direct award) and retroactive financing, if applicable

<Please indicate the legal basis.

Describe the circumstances justifying the use of that procedure in light of the applicable provisions of the EU Financial Regulation (Article 195 FR for grants, or 164.4 FR and points 6.5,11 and 39 of the Annex I to the FR for procurement).

In case of retroactive financing before the submission of the proposal for grants, or before the submission of a written request for contribution in indirect management, describe the legal basis (Article 193 (2) a) FR in case of provision in the basic act and Article 193 (2) b) FR in case of extreme urgency for measures whereby an early intervention by the Union would be of major importance)>

Selection of participants

Please indicate the basis for the selection of the participant(s) chosen to negotiate a contract with the contracting authority. In particular:

* Criteria/rationale and means used for selecting potential participants
* Number of potential participants contacted
* Participant(s)' compliance of applicable eligibility criteria (e.g. rules of nationality, EU restrictive measures)
* Verification of compliance with the selection criteria
* Verification that the participants are not in a situation for rejection under Section 2.6.10.1. PRAG (to be done before launching the negotiation)
* Number of participants actually selected and consequently invited to negotiations.

Timetable of meetings/negotiation rounds

|  |  |  |  |
| --- | --- | --- | --- |
|  | **DATE** | **TIME** | **VENUE** |
| **< Meeting 1 >** |  |  |  |
| **<Etc.>** |  |  |  |

List of representatives from the participants and the contracting authority present at each of the meetings/negotiation rounds mentioned above

|  |  |
| --- | --- |
| **Name** | **Representing** |
|  |  |
|  |  |

Description of the negotiation process

<Describe how the negotiation was conducted, including financial details and possible problems related to such negotiations.

In case of participants being discarded from the negotiations (e.g. meetings/negotiating rounds), please explain the reason for their rejection, e.g. non-compliance with the minimum requirements or with the minimum quality levels specified in the procurement documents, or abnormally low tender.

In case of indirect management, explain the involvement of the EU Delegation. >

Negotiation result

<Describe precisely the outcome of the negotiation. Justify in particular the choice of the successful participant to whom the contract may be awarded including the verification that it does not fall into any of the exclusion situations and that it fulfils the selection criteria.>

**The signatories have ensured:**

* that neither the successful tenderer nor the members of his consortium are listed in the early detection and exclusion system as being in an exclusion situation;
* are not subject to EU restrictive measures;
* the [paper submission:original] Declaration on honour on exclusion and selection criteria has been received by the contracting authority;
* if applicable (contract value above international thresholds), or whenever requested by the contracting authority, documentary evidence for the exclusion and selection criteria has been received and verified.

**[In indirect management this has to be verified with the representative of the European Commission**.]

Signatures[[1]](#footnote-1)

|  |  |  |
| --- | --- | --- |
|  | **Name** | **Signature** |
| **Chairperson** |  |  |
| **Secretary** |  |  |
| **Evaluators** |  |  |
|  |  |  |
|  |  |  |

Approval by authorising officer

**[**For negotiated procedures where only one tender was received and where no evaluation committee was nominated, the following must be inserted and the award decision template is not to be used:

**Awarded to the recommended tenderer:**

**Name & signature: Date: ]**

|  |  |
| --- | --- |
| [Endorsed by the European Commission only in the case of ex-ante control if the Commission makes the payments under the contract | |
| Name: |  |
| Title: |  |
| Signature: |  |
| Date: ] |  |

1. In the case of direct award of low value grants and procurement cases listed in PRAG 2.6.8. where an evaluation committee was not used, or under direct management when a simplified evaluation committee was appointed, this report should be signed by the persons having negotiated the contract. Please adapt signatures accordingly. [↑](#footnote-ref-1)