

## Procedural Guidelines

### for eligible Ukrainian Energy Companies in the process of requesting financial support for procurements under the Ukraine Energy Support Fund

The Ukraine Energy Support Fund was established to assist Ukrainian Energy Companies to keep the energy system operating in a stable manner by procuring urgently needed items for them. To allocate the available funds efficiently, this requires a swift and efficient cooperation between eligible Ukrainian Energy Companies, the Ministry of Energy, the procurement agent and the Secretariat in the identification, verification, procurement and payments. The framework of this cooperation is set by the contracts concluded for this purpose, in particular the Framework Agreements between the Ministry and eligible Ukrainian Energy Companies. The present Procedural Guidelines outline the expectations in complying with these agreements as a precondition for swift procurement and payment by the Secretariat.

#### 1. Which information do you need to provide in the Support Request?

Comprehensive information is key to efficient support. In the Support Request, therefore, Ukrainian Energy Companies must:

- indicate a **contact person** responsible for technical questions,
- provide precise and comprehensive information as to the **urgency** and **necessity** of each item specifically, and
- provide detailed **technical specifications or the terms of reference for services** for each item for the external procurement agent to be able to proceed with procurement upon submission of the Support Request. Please use:
  - Recommendations for defining technical specifications for procurement <https://infobox.prozorro.org/articles/tenderna-dokumentaciya>
  - Or any other technical specifications templates that are in line with sound procurement principles.

**Note:** Support Requests lacking any of the above information will be rejected. Requests for amendments of Support Requests from the procurement agent to the designated contact person need to be dealt with within **2 working days**.

#### 2. What happens with your Support Request?

After approval of your Support Request by the Ministry of Energy and performance of compliance checks, the procurement agent will procure the requested items on your behalf: It will request bids by potential suppliers, evaluate with the Ukrainian Energy Companies the bids submitted and negotiate the supply agreement on your behalf.

Your cooperation is key and timely response within a standard deadline of **2 working days** is required in:

- during tendering process, **responding** to questions by potential suppliers regarding the specifications of the items requested by you,
- **evaluating** the bids submitted, and
- **executing** the supply agreement.

**Note:** If you do not provide a response within the deadline your Support Request will be deprioritized.

### 3. What are you signing up for?

The procurement agent will negotiate the terms of the contract with the selected supplier and submit to you the **supply agreement** negotiated on your behalf which you have to sign within a deadline of **2 days!** After the expiration of the deadline, the offer will no longer be valid and the item barred from support under the Ukraine Energy Support Fund. Contracts with Ukrainian suppliers will be ruled by Ukrainian laws, while contract with international suppliers will be governed by the laws of England and Wales, or other laws as agreed with the supplier. The **commercial terms of the agreement, as well as negotiated agreements subject to other laws than the laws of Ukraine are non-negotiable.** All transportation, duties and taxes can be paid for by the Fund only if requested by you in advance and approved by the Ministry of Energy.

### 4. What to do upon delivery?

You will have to certify **acceptance** of the items at the agreed delivery point and check whether:

- the items delivered correspond to the ones described in the supply agreement;
- the items are new, of agreed quality, and in working condition;
- all accompanying documents are complete and correct, and serial numbers and similar identifiers are correct.

It is your duty to also ensure that the items are **used as specified in your Support Request.** After delivery of the items requested, you will be contacted by our Tracking Officer to provide documentation on the delivery and use of the items procured, in particular:

- Photos of all the goods received – general, and all identifying tags etc.
- Copies of the shipping documents showing equipment delivered and their specifications and other relevant documents
- Documents that confirm these goods were entered into your books as assets or similar evidence.

### 5. How to process the suppliers' invoices?

The supplier will submit its invoices directly to you. It is your responsibility to ensure that invoices are in line with the schedule of payments of the related contract and that all relevant documents are attached to the invoice (e.g. act of acceptance, warranty documents, etc.).

Once in order, you must **submit the invoices and related documents to the Energy Community Secretariat ([UkraineSupportFund@energy-community.org](mailto:UkraineSupportFund@energy-community.org))** who will verify the invoices and issue payments directly to the suppliers.

### 6. Record Keeping

It is your duty to maintain and keep records of all the documents related to the received support and provide immediate and full access to those records to the representatives of the Ministry of Energy, the Secretariat and the donors of the Fund, as well as provide access, assist and facilitate any on-site inspection deemed necessary.