



Public Procurement – Study on administrative capacity in the field of ESIF

Expert Group on the EMFF, 27/06/2016

Anna-Lena Zademach-Schwierz

DG Regional and Urban Policy - Unit E1 "Competence Centre for Administrative
Capacity-Building and the Solidarity Fund"

Public Procurement Action Plan

**Technical Working Group of European Commission:
DG REGIO (Chair), GROW, EMPL, AGRI, MARE, EIB**

- ✓ **Purpose:** Improve coordination and avoid fragmentation
 - ✓ Agree an **ACTION PLAN: FOCUS ON PREVENTIVE ACTIONS!**
 1. Spread knowledge of EU PP rules at the level of all stakeholders
 2. Ultimately reduce error rate linked to PP
- 14 Actions identified by Technical Working Group, among them
- ✓ **Study on administrative capacity** for Public Procurement

Study: Methodological approach

In order to assemble as complete a picture of procurement in the EU as possible, the study relied on the following data sources:

Stages:

1. Desk review of all 28 MS (country profiles)
2. Field visits in 15 MS
3. Case studies of reform: PT and CZ
4. On-line survey with practitioners in all 28 MS
5. Good practices and recommendations in final report
6. Stakeholder Workshop in Brussels

-  Field visit country
-  No field visit



Country Profiles

1. Key facts and figures

Key Facts and Figures in Croatia

Key Facts and Figures in Croatia						
Overview	Total procurement 5,300,000,000€		Procurement % GDP 12%		2013 GDP 43,561,500,000€	Contracting authorities 1,811
Procedures applied	Open 88%	Restricted 1%	Negotiated procedure with call 1% no call 10%		Competitive dialogue 0%	Direct award 1% Other 0%
Share of contract notices by buyer	National 15%		Regional/local 14%		Body governed by public law 54%	Other 17%
Contract type	Services 36%		Works 3%		Supplies 61%	Framework agreement 29%
Ex ante conditionality criteria as of 2014	EU rules Fully met		Transparency Fully met		Training Not met	Admin. capacity Not met
E-procurement adoption	E-notification Mandatory		E-access Mandatory		E-submission Partially mandatory	Uptake rate N/A
Perceived corruption	Corruption widespread in society			Corruption widespread in procurement		
	Businesses 90%		Individuals 94%		At national level 64%	At local/regional level 63%
TED indicators	Value of tenders 1,329,344,192€		Of total procurement 25%		# contract notices 1,581	# contract awards 1,363
Other indicators	Received single bid 45%		# days for decision 77.8		Price only criteria 95%	MEAT criteria 5%
	Won by foreign firms 1%		Related to EU funds 2%		Joint purchase 9%	Central purchasing Yes, CPO

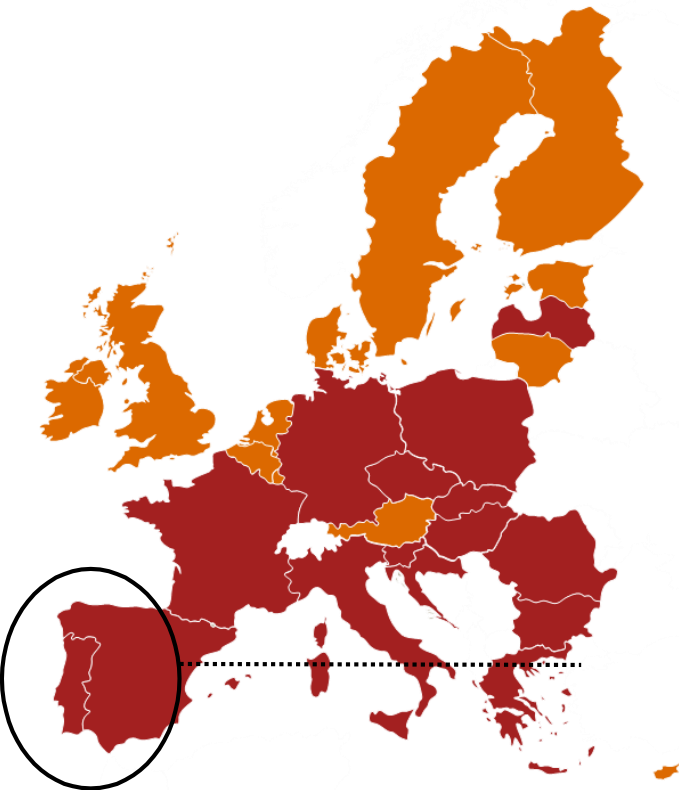
2. Description of features

- Legal
- Institutional
- Administrative capacity
- E-procurement
- Corruption
- Europe 2020
- Irregularities
- Outlook

3. Analysis

- Strengths
- Weaknesses
- Recommendations

Case study: Portugal



Key dates in the reform process:

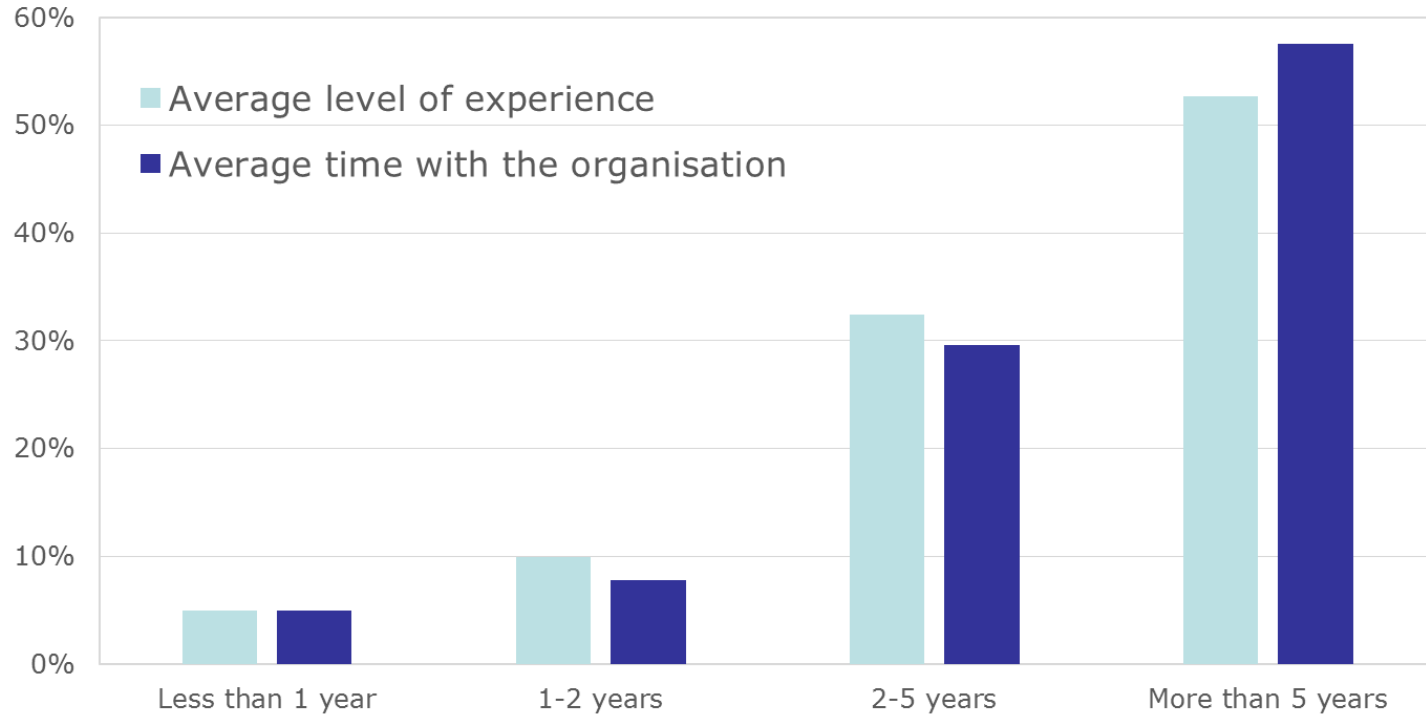
- **2005-2008:** Reform incubation process involving wide range of stakeholders
- **2008:** Introduction of comprehensive Public Contracts Code
- **Since 2008:** Eight minor amendments

Lessons learned:

- **1)** Don't rush the policymaking process
- **2)** Input from all major stakeholders!
- **3)** Buy-in for successful implementation
- **4)** Sufficient delay between enactment and implementation - guidance materials

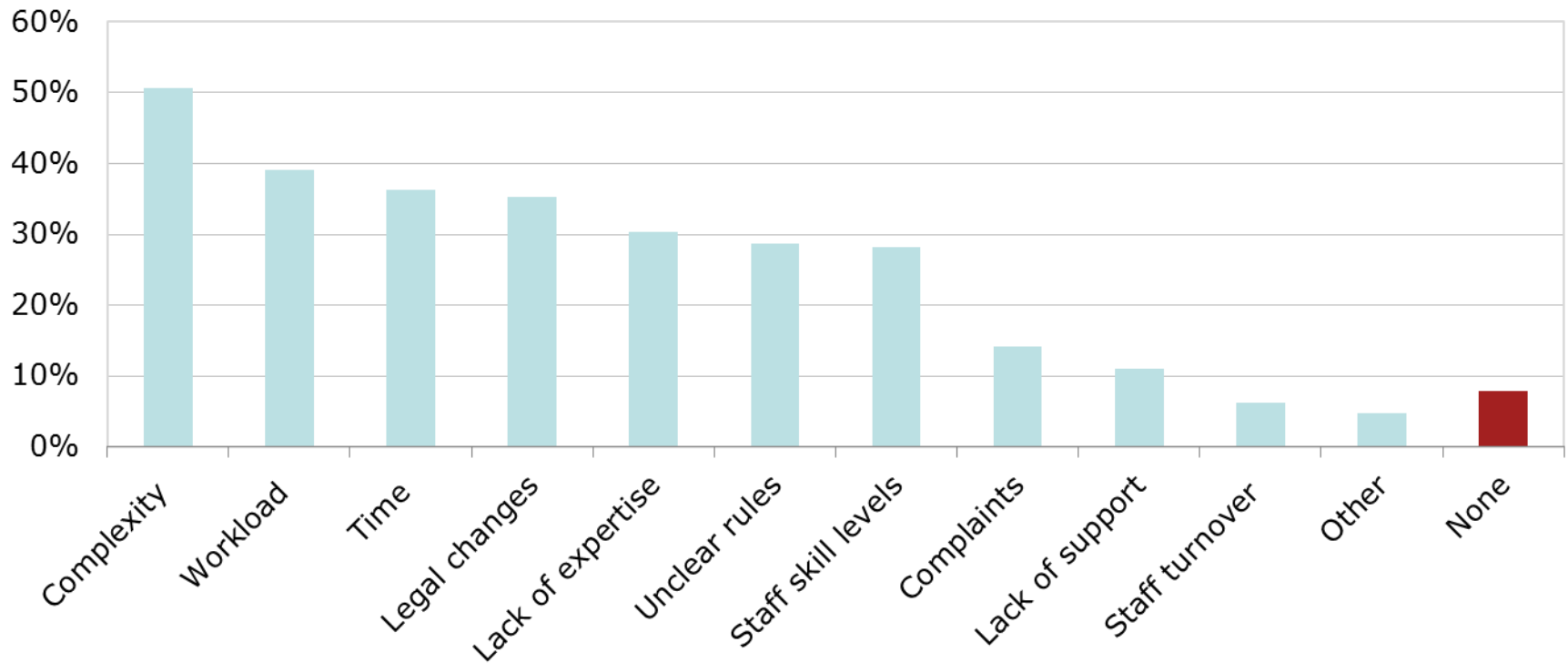
Key survey results

Human resources



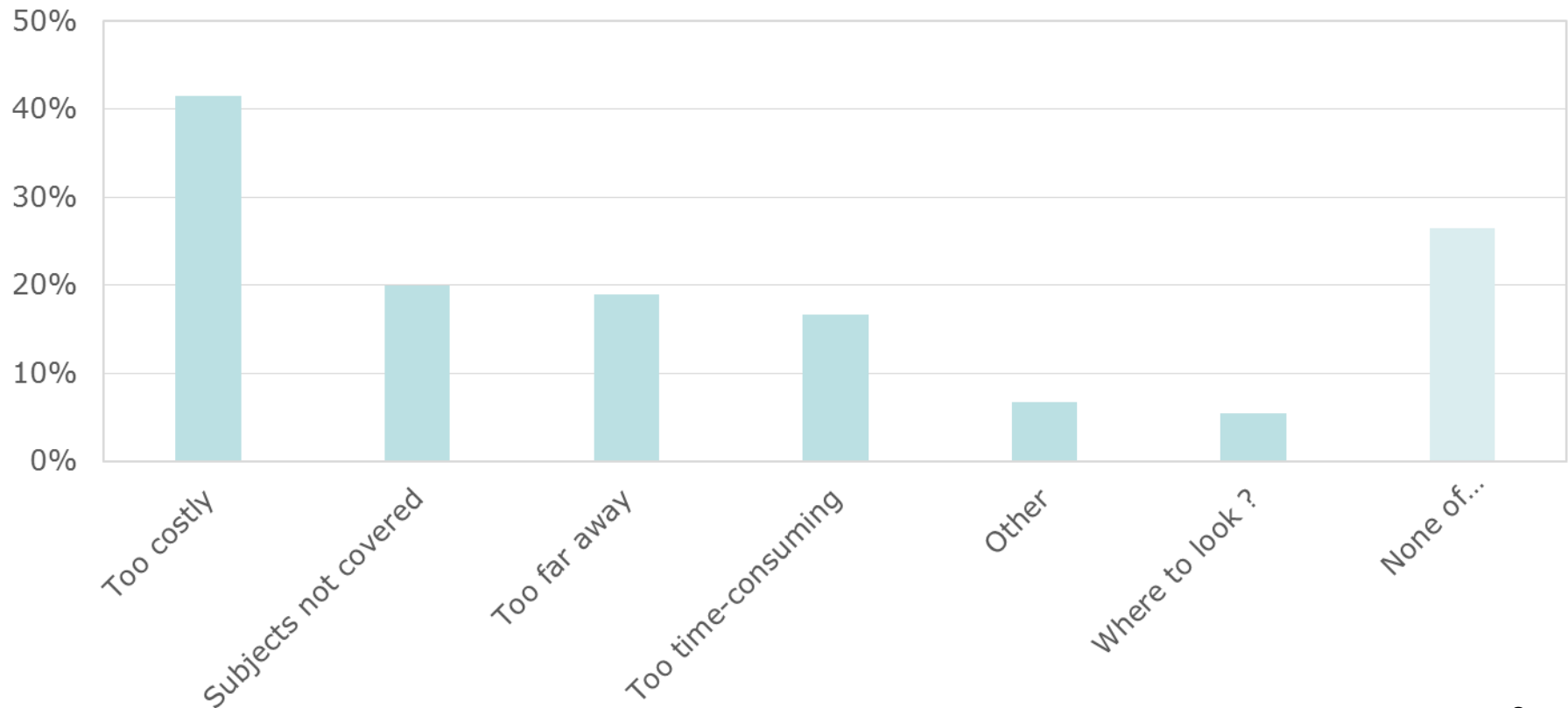
Key survey results

Main difficulties for practitioners



Key survey results

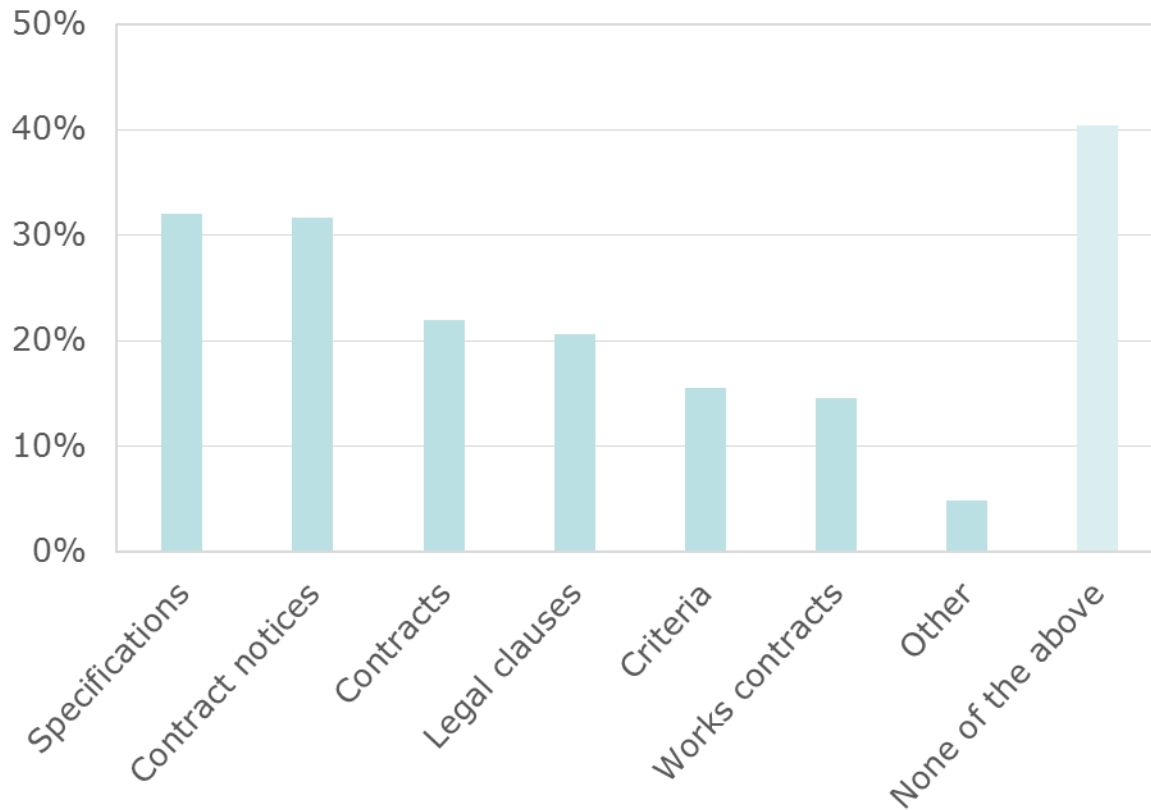
Barriers to participating in trainings



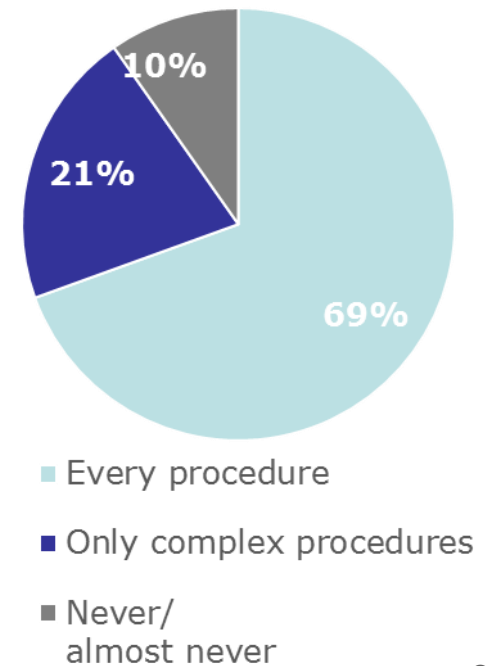
Key survey results

Standardised template documents

Topics covered by standardised template documents



Use of standardised template documents



Good practice

1. Ad hoc support

Hotlines or Helpdesks provide ad hoc assistance for immediate and tailor-made responses to contracting authorities.

Examples

- France: Call center of Ministry of Finance
- Slovenia: telephone consultation service Ministry of Finance and Ministry of Public Administration
- Finland: one-stop helpdesk, PP Advisory Unit
- Netherlands: PIANOO-desk

2. Guidance and Standardisation of documents

Methodological, thematic, guidance tools and **Ready-to use templates** to be adapted to needs are provided to the CA.

Examples

- France: methodological manual and standardised tender specifications and contract provisions
- Netherlands: library of product specific green criteria
- Czech Republic: Online case-law library
- Luxembourg: Standardised tender specifications for public works

3. Professionalisation

MS develop a **curriculum of competences** for procurement practitioners with **frequent trainings, clear competencies, certification** based on more than participation, to be fulfilled by education or practical experience.

Examples

- Croatia: certifying procurement practitioners
- UK: Commercial Skills and Competency Framework
- Ireland: Go-2-Tender Training Scheme for SMEs

4. Quality execution of procurement/Review/Mediation

By **publishing planning**, opening **feedback channels and mediation** the quality of procurement increases and offers more possibilities to participate to SMEs.

Examples

- Latvia: Annual procurement plans
- France: Qualitative monitoring of public procurement
- France: Mediation through bidder advocates
- Netherlands: Commission of Tender Experts
- Germany/Spain: Specialised administrative tribunals/courts
- Slovenia: Specialised National Review Committee

5. Simplification and efficiency

Reducing administrative burden for economic operators is possible through specific tools and systems or **winner-only habilitation**.

Examples

- Portugal: Interoperability : Auto-fill fiscal information
- UK: Lean approach to procurement
- Spain: Registry of tenderers and contractors
- France: Specific Simplified Tender
- Portugal: Declaration of honour

6. Transparency

Online publication of detailed and regularly updated PP data is key for effective monitoring and transparency. Benefit for stakeholders in public administrations, economic operators, civil society.

Examples

- Spain: Public Contracts Registry
- Lithuania: Data of framework agreements
- Slovenia : "Supervizor" transparency tool
- Slovakia: Single-stop online portal "Open PP"

Results summarised in final report

General recommendations for EC and MS on:

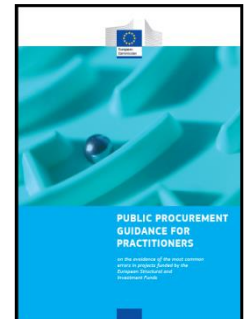
- **Human resources, Systems and tools**
 - *Strengthen skills of frequent procurers (specialised trainings)*
 - *Provide support for infrequent procurers (standardisation, ad hoc helpdesks, guidance, joint procurement)*
- **Governance structures, better policy making, law enforcement**
 - *Deliberate inclusive reforms, time for implementation and training*
- **Data collection, Transparency**
 - *Interoperability between systems*

EC Follow-up to recommendations

- **Dissemination of good practices**
Foster knowledge transfer at EU level
 - *Targeted workshops and conferences*
 - *Library and support to transfer of good practice cases*
- **Update guidance**
 - *PP Guidance for Practitioners:
update on new PP Directives and initial feedback*
- **EC to provide on-site expertise**
 - *REGIO facilitates exchanges TAIEX-REGIO PEER2PEER*
 - *Cooperation with OECD on capacity building*



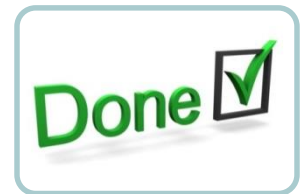
TAIEX-REGIO PEER 2 PEER
A new tool bringing together
cohesion policy experts



EC Follow-up to recommendations

- **Rationalise EU Audit rules**

- *Update of Auditor's checklist and Guidelines for PP errors for changes stemming from new Directives*



- **Data collection on PP irregularities and TED**

- *Expand ESIF monitoring and reporting on PP irregularities*
- *Data collection and analysis from Member States (strengthen TED)*





Regio-E1-administrative-capacity@ec.europa.eu
Anna-Lena.Zademach-Schwierz@ec.europa.eu

**Inforegio "Improving investment":
Public procurement study**

http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/public-procurement/study

Public procurement guidance

http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/public-procurement/guide/