

EuroPAM in-law indicators on Public Procurement

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EuroPAM is a primary data collection effort that produces assessments of in-law and in-practice efforts to enhance the transparency of public administration and the accountability of public officials. It is part of an EU-funded digital whistleblowing project (DIGIWHIST) that aims to improve trust in governments and efficiency of public spending across Europe.

Public procurement is the process whereby governments buy goods and services, where the same set of procedural rules apply to the selection of suppliers and information published on tenders and contracts. The process requires interaction among three major actors, with a range of external actors intervening under some circumstances. The three actors internal to the public procurement process are 1) issuers of tender [government agencies/departments], 2) public procurement advisors or brokers, and 3) bidder companies [private sector firms]. There are external actors within the state such as 4) politicians who can also take on senior civil service positions; and 5) review bodies such as courts, state audit institutions, and competition agencies.

Public Procurement	
Qual-1	Scope
Qual-2	Threshold - lowest PP
Qual-3	What is the minimum contract value above which the public procurement law is applied? (Product type GOODS)
Qual-4	What is the minimum contract value above which the public procurement law is applied? (Product type WORKS)
Qual-5	What is the minimum contract value above which the public procurement law is applied? (Product type SERVICES)
Qual-6	Threshold - by PP type
Qual-7	What are the minimum application thresholds for the procurement type? (Entity: PUBLIC SECTOR)
Qual-8	What are the minimum application thresholds for the procurement type? (Entity: UTILITIES)
Qual-9	What are the minimum application thresholds for the procurement type? (Entity: DEFENCE)
Qual-10	Threshold - by product type
Qual-11	What are the minimum application thresholds for the procurement type? (Product type GOODS)
Qual-12	What are the minimum application thresholds for the procurement type? (Product type WORKS)
Qual-13	What are the minimum application thresholds for the procurement type? (Product type SERVICES)
Qual-14	Information availability
Qual-15	CFT publication
Qual-16	Where should the call for tenders be published? (Procedure type: OPEN)
Qual-17	Where should the call for tenders be published? (Procedure type: RESTRICTED)
Qual-18	Where should the call for tenders be published? (Procedure type: NEGOTIATED)
Qual-19	Publishing and record keeping
Qual-20	Which are the documents which are published in full?
Qual-21	Are any of these documents published online at a central place?

Qual-22	Is it mandatory to keep these records? Public notices of bidding opportunities, Bidding documents and addenda, Bid opening records, Bid evaluation reports, Formal appeals by bidders and outcomes, Final signed contract documents and addenda and amendments, Claims and dispute resolutions, Final payments, Disbursement data (as required by the country's financial management system)
Qual-23	Are contracts awarded within a framework agreement published?
Qual-24	Sub-contracting
Qual-25	Is it mandatory to publish information on subcontractors in some cases?
Qual-26	If yes, above what proportion of subcontracted value is it mandatory?
Qual-27	Evaluation
Qual-28	Preferential treatment
Qual-29	Is there a ban on mentioning specific companies or products in tender specification/call for tender?
Qual-30	Are there restrictions on allowable grounds for tenderer exclusion?
Qual-31	Is there a preferential treatment for small-to-medium enterprises (SMEs)?
Qual-32	Is there a preferential treatment for local/national companies? (companies from other EU MS are considered foreign companies)
Qual-33	Is there a specific set of rules for green/sustainable procurement?
Qual-34	Are some bids automatically excluded such as lowest/highest price; unusually low price, etc.
Qual-35	Bid evaluation
Qual-36	Is scoring criteria published and explicit?
Qual-37	Can evaluation decision be made by a single person (as opposed to a committee)?
Qual-38	Are there regulations on evaluation committee composition to prevent conflict of interest?
Qual-39	If yes, what is banned?
Qual-40	Is some part of evaluation committee mandatorily independent of contracting authority?
Qual-41	Are scoring results recorded and publicly available?
Qual-42	Under which conditions can the tender be cancelled?
Qual-43	Open competition
Qual-44	CFT publication
Qual-45	Where should the call for tenders be published? (Procedure type: OPEN)
Qual-46	Where should the call for tenders be published? (Procedure type: RESTRICTED)
Qual-47	Where should the call for tenders be published? (Procedure type: NEGOTIATED)
Qual-48	Minimum # of bidders
Qual-49	If there is a minimum number of bidders stipulated, under what conditions? RESTRICTED
Qual-50	If there is a minimum number of bidders stipulated, under what conditions? NEGOTIATED
Qual-51	If there is a minimum number of bidders stipulated, under what conditions? COMPETITIVE DIALOGUE
Qual-52	Bidding period length
Qual-53	What are the minimum number of days for advertisement required? (Procedure type: OPEN)
Qual-54	What are the minimum number of days for advertisement required? (Procedure type: RESTRICTED)
Qual-55	What are the minimum number of days for advertisement required? (Procedure type: NEGOTIATED)
Qual-56	Institutional arrangements

Qual-57	Institutions and regulations
Qual-58	What are the main EXCEPTIONS preventing the application of the public procurement law for tenders/organisations?
Qual-59	What are the main types of institutions which have to apply the public procurement law?
Qual-60	What are the main procedure types or procurement methods permitted by law?
Qual-61	Is there a procurement arbitration court dedicated to public procurement cases?
Qual-62	Is there a procurement regulatory body dedicated to public procurement?
Qual-63	Where is the procurement regulatory body located?
Qual-64	Is the procurement regulatory body independent?
Qual-65	Is the procurement advisors' profession legally defined (i.e. degree to be obtained, official list of members of the professional association) and its role in the tendering procedure described (e.g. right to draft tender documentations, conduct market research identifying bidders)?
Qual-66	Is disclosure of final, beneficial owners required for placing a bid?
Qual-67	Complaints
Qual-68	Is there a fee for arbitration procedure?
Qual-69	If yes, how much
Qual-70	Is there a ban on contract signature until arbitration court decision (first instance court)?
Qual-71	What is the maximum number of days until arbitration court decision from filing a complaint?
Qual-72	Are arbitration court decisions required to be publicly released?

Red font = not including in scoring