

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 | |
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| 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 | Publishing and record keeping |
| Qual-16 | Is there a requirement that tender documents must published in full? |
| Qual-17 | Are any of these documents published online at a central place? |
| Qual-18 | Is it mandatory to keep all of 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, |

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| | -Final payments, -Disbursement data (as required by the country's financial management system) |
| Qual-19 | Are contracts awarded within a framework agreement published? |
| Qual-20 | Sub-contracting |
| Qual-21 | Is it mandatory to publish information on subcontractors in some cases? |
| Qual-22 | If yes, what is the threshold for publication (i.e. the % of total contract value subcontracted)? <i>For example, if the threshold is 75%, and you have subcontracted out only 40% of your contract, no disclosure is required. Consultant will insert 75% in the short answer column.</i> |
| Qual-23 | Evaluation |
| Qual-24 | Preferential treatment |
| Qual-25 | Is there a ban on mentioning specific companies or brands in tender specification/call for tender? |
| Qual-26 | Is there a preferential treatment for small-to-medium enterprises (SMEs)? |
| Qual-27 | Is there a preferential treatment for local/national companies? (companies from other EU MS are considered foreign companies) |
| Qual-28 | Is there a specific set of rules for green/sustainable procurement? |
| Qual-29 | Bid evaluation |
| Qual-30 | Are there restrictions on allowable grounds for tenderer exclusion? |
| Qual-31 | Are some bids automatically excluded? e.g., lowest/highest price; unusually low price, etc. |
| Qual-32 | Is scoring criteria published? |
| Qual-33 | Are decisions always made by a committee? |
| Qual-34 | Are there regulations on evaluation committee composition to prevent conflict of interest? |
| Qual-35 | Is some part of evaluation committee mandatorily independent of contracting authority? |
| Qual-36 | Are scoring results publicly available? |
| Qual-37 | Does the law specify under which conditions the tender can be cancelled? |
| Qual-38 | Open competition |
| Qual-39 | CFT publication |
| Qual-40 | Does the law specify the location for publicizing open calls for tenders? |
| Qual-41 | Does the law specify the location for publicizing restricted calls for tenders? |
| Qual-42 | Does the law specify the location for publicizing negotiated calls for tenders? |
| Qual-43 | Minimum # of bidders |
| Qual-44 | What is the minimum number of bidders for restricted procedures? |
| Qual-45 | What is the minimum number of bidders for negotiated procedures? |
| Qual-46 | What is the minimum number of bidders for competitive dialogue procedures? |
| Qual-47 | Bidding period length |
| Qual-48 | What are the minimum number of days for open procedures? |
| Qual-49 | What are the minimum number of days for restricted procedures? |
| Qual-50 | What are the minimum number of days for competitive negotiated procedures? |
| Qual-51 | Institutional arrangements |
| Qual-52 | Institutions and regulations |
| Qual-53 | Does the law specify the main EXCEPTIONS preventing the application of the public procurement law for tenders/organisations? |
| Qual-54 | Does the law specify the main types of institutions that must apply the public procurement law? |
| Qual-55 | Does the law specify the main procedure types or procurement methods permitted? |
| Qual-56 | Is there a procurement arbitration court dedicated to public procurement cases? |
| Qual-57 | Is there a procurement regulatory body dedicated to public procurement? |

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| Qual-58 | Does the law specify procurement advisors' profession (i.e. degree to be obtained, official list of members of the professional association) and its role in the tendering process (e.g. right to draft tender documentations, conduct market research identifying bidders)? |
| Qual-59 | Is disclosure of final, beneficial owners required for placing a bid? |
| Qual-60 | Complaints |
| Qual-61 | Is there a fee for arbitration procedure? |
| Qual-62 | Is there a ban on contract signature until arbitration court decision (first instance court)? |
| Qual-63 | What is the maximum number of days until arbitration court decision from filing a complaint in the case of awarded contracts? |
| Qual-64 | Is there a requirement to publicly release arbitration court decisions? |