

EuroPAM: Scoring for Public Procurement

1 Feb 2021

Scope	
Threshold	
Qual-3-5	The minimum considered was the <u>absolute minimum</u> amount below which direct awards are possible.
Qual-7	Corresponds to the absolute minimum (see above).
Qual-8	If no additional national/specific thresholds apply, EU thresholds in 2020 were EUR 428,000. Note: This is not the threshold for concessions. Rather for goods and services contracts.
Qual-9	Aside from national thresholds: If Directive 2014/24/EU is specifically mentioned, values in 2020 were EUR 139,000 for contracts mentioned in Annex III – Article 4 (b). If Directive 2009/81/EC is specifically mentioned, values in 2020 were EUR 400,000 – Article 8 (a).
Qual-11-13	Absolute minimum values were repeated here, because there is no difference between the absolute minimum and minimum for procurement by product <u>type</u> (i.e., goods, services or works). Rather, the difference resides mostly in publicity requirements and procurement modalities (e.g., direct award, open procedure, simplified procedure, negotiated procedure).
Information availability	
Publishing and record keeping	
Qual-16	If documents must be published in <u>full</u> , the answer is yes . Otherwise, it is no .
Qual-17	If documents are published in one central online place aside from OJEU/TED (above EU thresholds), the answer is yes . Otherwise, it is no .
Qual-18	If there is a general duty to keep all appropriate documentation to justify every step of the tender procedure, the answer is yes . Otherwise, it is no .
Qual-19	If contracts awarded within a framework agreement (i.e., on the basis of a framework agreement) are published, even if in grouped award notices over a longer period of time, the answer is yes . Otherwise, it is no .
Subcontracting	
Qual-21	If there is a general duty to make information on subcontractors available, the answer is yes . Otherwise, it is no . Note: Information on subcontractors may be included in award notices for contracts with values above EU thresholds but not for those below these thresholds (national thresholds). Similarly, for contracts with values above EU thresholds, individual procurement reports must be drafted and include information on subcontractors. However, these reports are not necessarily made public.
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Evaluation	
Preferential treatment	
Qual-25	If there is a ban on mentioning specific companies or brands in tender specification/call for tender the answer is yes . Otherwise, it is no .
Qual-26	If there are specific concrete provisions, not just general principles, which establish some form of preferential treatment for small-to-medium enterprises (SMEs), the

	answer is yes . Otherwise, it is no .
Qual-27	If there is preferential treatment for local/national companies, such as reserved tender procedures for national companies, the answer is yes . Otherwise, it is no .
Qual-28	If there is a specific set of rules for green/sustainable procurement which involve at least environmental considerations in contract awarding/decision making, the answer is yes . Otherwise, it is no .
Bid evaluation	
Qual-30	If the allowable grounds for tenderer exclusion are specifically listed, the answer is yes . Otherwise, it is no .
Qual-31	If bid exclusion only happens after the contracting authority asks the tenderer for further clarification/explanation, it is not considered automatic exclusion. If the legislation contemplates hypotheses for bid exclusion without prior tenderer consultation, the answer is yes . Otherwise, it is no .
Qual-32	If scoring criteria is published on the contract notice, on the invitation to tender and/or figure in their respective documents, the answer is yes . Otherwise, it is no .
Qual-33	If decisions are <u>always</u> made by a committee, i.e., with no possibility of contract awarding by a sole individual, the answer is yes . Otherwise, it is no . If the legislation is silent about the existence of an evaluation committee, the answer is also no .
Qual-34	If there are general regulations on prevention of conflicts of interest, specifically in procurement legislation, even if not expressly mentioning evaluation committees, the answer is yes . Otherwise, it is no .
Qual-35	If the evaluation committee is mandatorily independent of contracting authority, the answer is yes . Otherwise, it is no .
Qual-36	If scoring results i.e., individual bidders' scores gradually considered, are only included in individual procurement reports, or sent to participants of the tender procedure, the answer is no . If scoring results are made publicly available, either through the award notice, evaluation report/minutes or similar documents, the answer is yes .
Qual-37	If the legislation specifies i.e., lists hypotheses, of tender cancellation the answer is yes . Otherwise, it is no .
Open competition	
CFT publication	
Qual-40	If the legislation specifies at least one location, other than the OJEU/TED, for publicizing open calls for tenders, the answer is yes . Otherwise, it is no .
Qual-41	If the legislation specifies at least one location, other than the OJEU/TED, for publicizing restricted calls for tenders, the answer is yes . Otherwise, it is no .
Qual-42	If the legislation specifies at least one location, other than the OJEU/TED, for publicizing negotiated calls for tenders, the answer is yes . Otherwise, it is no .
Minimum number of bidders	
Qual-44	If a restricted procedure exists, the <u>absolute minimum</u> number of bidders was considered. Note: Minimums are usually given for contracts with values above EU thresholds.
Qual-45	If a negotiated procedure exists, the <u>absolute minimum</u> number of bidders was considered. Note: Minimums are usually given for contracts with values above EU thresholds.
Qual-46	If a competitive dialogue procedure exists, the <u>absolute minimum</u> number of bidders was considered. Note: Minimums are usually given for contracts with values above EU thresholds.

Bidding period length	
Qual-48	The minimum considered was the absolute minimum of days for bid submission in open procedures, including contracts with values <u>within national thresholds (below EU thresholds)</u> .
Qual-49	The minimum considered was the absolute minimum of days for bid submission (not the submission of requests to participate) in restricted procedures, including contracts with values <u>within national thresholds (below EU thresholds)</u> .
Qual-50	The minimum considered was the absolute minimum of days for bid submission (not the submission of requests to participate) in competitive negotiated procedures, including contracts with values <u>within national thresholds (below EU thresholds)</u> .
Institutional arrangement	
Institutions and regulations	
Qual-53	If the legislation specifies i.e., lists hypotheses, of exceptions preventing the application of procurement legislation, the answer is yes . Otherwise, it is no .
Qual-54	If the legislation specifies i.e., lists, the main types of institutions that must apply procurement legislation, the answer is yes . Otherwise, it is no .
Qual-55	If the legislation specifies i.e., lists, the main procedure types or procurement methods permitted, the answer is yes . Otherwise, it is no .
Qual-56	If disputes are resolved not by a court <i>stricto sensu</i> , but an adjudicating body nonetheless, specialised in public procurement, the answer is yes . If, on the other hand, disputes are resolved by general courts (civil or administrative), the answer is no . Note: The term “arbitration court” is used loosely as a synonym for adjudicating body/court, and not to mean the specific mechanism for conflict resolution itself.
Qual-57	If there is an independent body (i.e., not attached to or the Ministry itself) which oversees the application of procurement legislation, the answer is yes . Otherwise, it is no .
Qual-58	If the legislation specifies procurement advisors' profession <u>AND</u> their role in the tendering process, the answer is yes . Otherwise, it is no .
Qual-59	If disclosure of beneficial ownership is required at any point before contract awarding, the answer is yes . Otherwise, it is no .
Complaints	
Qual-61	If payment of a fee is required to initiate review proceedings (against actions or omissions of the contracting authority during the tender procedure), the answer is yes . Otherwise, it is no .
Qual-62	If there is an automatic ban (i.e., a ban considered from the moment of the adjudicating body's acknowledgement of the appeal, irrespective of a request for interim measures on the part of the applicant) on contract signature until the final first instance decision, the answer is yes . Otherwise, the answer is no , particularly if the ban on contract signature only lasts until a decision on the requested interim measures.
Qual-63	If there is no set maximum number of days, the answer is N/S.
Qual-64	If there is a <u>requirement</u> to publicly release court decisions, the answer is yes . Otherwise, even if decisions can be found online, irrespective of a lack of legal requirement of publicity, the answer is no .