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Toolbox of good practices

Accompanying the document

Commission Recommendation

on the professionalisation of public procurement - Building an architecture for the professionalisation of public procurement

{C(2017) 6654 final}

EN   **EN**

This Toolbox accompanies the European Commission Recommendation on the professionalisation of public procurement. It aims at providing Member States, and in particular decision-making bodies, regulatory agencies and contracting authorities/entities, with a set of good practices covering different aspects and directed at fostering professionalisation in public procurement.

The text of the Recommendation enumerates a series of recommendations aimed at increasing the overall professionalism of contracting authorities/entities staff, and particularly focusing on policy architecture, cooperation between and within public administrations, efficiency, transparency, integrity, careers and HR management.

This Recommendation was prepared based on a collaborative approach. It included expert and stakeholder meetings (Multi-stakeholder Expert Group on eProcurement (EXEP) meeting on 3/2/2016 ; Government Expert Group on Public Procurement (EXPP) meetings on 8/3/2016, 21/2/2017 and 15/6/2017, Stakeholder Expert Group on Public Procurement (SEGPP) meetings 15/6/2016 and 8/12/2016, meeting with international organisations (OECD, EBRD, EIB, WB, OECD SIGMA, UNCITRAL) on 20/07/2016, four workshops with representatives of the Member States, international organisations and academia (12/12/2016, 21/2/2017, 28/04/2017 and 19/6/2017). It is also based on the findings of the 2016 study "Stock-taking of administrative capacity, systems and practices across the EU to ensure the compliance and quality of public procurement involving European Structural and Investment (ESI) Funds"[1].

To support the implementation of the Recommendation, this Toolbox presents examples of good practices corresponding to each one of the different recommendations already comprised in the referred European Commission Recommendation.

The structure of the toolbox follows closely that of the Recommendation itself. It provides, whenever possible: (1) an explanation of the concepts, (2) examples illustrating the specific recommendations, (3) useful links to existing support tools and programmes developed by the European Commission or other institutions.

This Toolbox relies on the information provided by public authorities of the Member States, building upon the activities of international organisations such as the OECD, OECD-SIGMA, UN-UNCITRAL, EBRD, World Bank, EIB inter alia, as well as different initiatives and studies carried out by the different European Commission services in areas such as green, social and innovative public procurement.

The identification of the good practices included in this Staff Working Document has taken place throughout the workshops held and organised by the European Commission in different Member States between December 2016 and June 2017 (vid supra). The referred workshops took place in the context of the preparatory work for the drafting of the Recommendation, involving representatives from Member States, international organisations and academia.

This Staff Working Document relies on the work carried out by the European Commission, particularly as regard capacity building, IT systems and fraud prevention and detection in the context of the implementation of European Union Structural and Investment Funds. These activities have culminated in a comprehensive study (vid supra) aimed at identifying good practices in public procurement and developing a corresponding electronic library.

The examples of good practices presented in this Staff Working Document are indicative and their purpose is to furnish Member States with useful information and thus assist them in building up administrative capacity and increasing professionalism in their respective national public procurement systems. Therefore, this Toolbox is an indicative document of the

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[1] https://publications.europa.eu/en/publication-detail/-/publication/d1082259-0202-11e6-b713-01aa75ed71a1

European Commission services and should not be considered binding to this institution in any way.

The collection provided below should not be considered as exhaustive and complete. On the contrary, this constitutes a first selection of good practices. It is intended to be a dynamic collection which can and should be updated regularly and to which Member States and contracting authorities are invited to contribute. To that effect, the toolbox will be further developed as an online tool allowing dynamic management and updating.

Contents

Recommendation 1

Member States should develop and implement **long term professionalisation strategies for public procurement**, tailored to their needs, resources and administrative structure, standalone or as part of wider professionalisation policies of public administration. The aim is to attract, develop and retain skills, focus on performance and strategic outcomes and make the most out of the available tools and techniques. These strategies should:

a)   address all **the relevant participants** in the procurement process and be developed through an inclusive process at national, regional and local level;

b)   be applied in **coordination with other policies** across the whole public sector;

c)   **take stock** of developments in other Member States and at international level.

➜ 1.a. Long term professionalisation strategies addressing all relevant participants

'Professionalisation' can be defined as the process of increasing the administrative capacity of a given organisation by providing their staff with the set of skills and competencies required to carry out their mission and perform certain function(s). In the context of public procurement, 'professionalisation' refers to ensuring contracting authorities/entities possess the rights tools and knowledge to conduct tendering procedures and conclude contracts efficiently with the overall goal of ensuring the sustainability of the goods, services and works procured, whilst at the same time contributing to the overall implementation of public procurement policy.

Professionalisation requires on one hand structural and procedural provisions enabling contracting authorities/entities to perform their tasks. On the other hand, any professionalisation strategy should address as well the individuals within the contracting authorities/entities and hence make available the resources needed to ensure adequate skills and a capacity level adequate to fulfil their function.

More in particular, the European Commission applies the following methodology for measuring administrative capacity, starting with a distinction between 1) structure; 2) human resources; and 3) systems and tools.

Firstly, 'structure' relates to the clear assignment of responsibilities and tasks to institutions, or better formulated, at the level of departments or units within these institutions. Structure therefore refers to a range of tasks and functions related to the use of public monies, including management, programming, implementation, evaluation, monitoring, financial management, control, systems' interoperability. 'Structure' also relates to supervisory and ancillary bodies, such as auditing, inter alia.

Secondly, 'human resources' relate to the ability to detail tasks and responsibilities at the level of job descriptions, to estimate the required number of staff and their qualifications, and to fulfil the recruitment needs. Securing the timely availability of experienced, skilled and

motivated staff is key in ensuring professionalism. In addition, conditions – i.e.: organisation and policy architecture, economic retribution and recognition of staff, inter alia – need to be favourable towards recruiting and retaining such professionals.

Finally, 'systems and tools' relate to the availability of instruments, methods, guidelines, manuals, systems, procedures, forms, etcetera. Briefly, these are all procedures and mechanisms that can enhance the effectiveness of the functioning of a public procurement system. Systems and tools enable organisations to transform tacit and implicit knowledge at the level of individual consciousness into explicit information that can be shared across organisation(s). Systems and tools therefore make organisations less vulnerable by reducing the risk of malfunctioning or errors and enhancing overall effectiveness and efficiency.

Furthermore, one important aspect of professionalisation is to foster the efficiency of tendering procedures through an adequate use of resources coming from different partners – such as governmental departments and regulatory agencies – and stakeholders. In that regard, any professionalisation strategy should aim at bringing together the different actors involved in public procurement, both comprising public and private sector stakeholders. One particular objective should be that of engaging economic operators as multipliers, therefore allowing contracting authorities/entities and superior administrative bodies – i.e.: ministries, public procurement agencies, central purchasing bodies – to garner data on markets' structure, determine procurement goals and accordingly plan the way tenders are conducted.

- **Examples and Case Studies:**

Example 1.   FRANCE – Professionalisation strategy for all public buyers

In order to enhance the development and efficiency of the public administrations, French national authorities have defined a legal and a human resources framework for the professionalisation of public buyers. Article III of Decree 2016-247 of 3 March 2016, provides that the State Purchasing Directorate – i.e.: *Direction des Achats de l'Etat* – DAE – has exclusive competences in matters regarding the strategy for professionalisation of public procurement, and in particular:

1. Defines the training strategy for actors in the procurement function of the French State;
2. Supervises the provision of training in this field;
3. Proposes any measures to reinforce the professionalisation of these agents, and to structure their professional career at the heart of the purchasing process common to the services of the State and its agencies.

As a first step, the State Purchasing Directorate has defined a training strategy aimed at professionalising the procurement chain management function within State services and agencies;

- The catalogue of labelled training courses – i.e.: in accordance with the training strategy – is made available to the procurement and training departments in order to organise the training of buyers;

- Both the strategy and the catalogue are published online in the intranet procurement portal and are accessible to all potential trainees;

- Ministries have then been asked to develop a procurement training plan in line with the strategy and certified training offer laid down by the State Purchasing Directorate.

The training part of the project targets the most invested staff in the procurement function, namely those dealing with public procurement related issues **more than 50% of their working time**. The project aims to train staff in purchasing techniques, enabling them to achieve greater efficiency.

The lessons learned after implementing the project are the following:

- clarify the objectives, orientations, results to be achieved;
- develop tools to accompany change, such as rules for the labelling of training courses or tools for collecting feedbacks from training courses; and
- rely on motivated staff to create further synergies and ensure common support.

Besides developing a training plan and appropriate tools, the strategy includes designing a full career structure for public buyers (see detailed examples infra) and providing them with the tools for cooperation, team working and sharing of expertise among buyers across all the procurement workforce in order to create a community of practice and project teams.

The professionalisation strategy aimed, in a first step, towards central and regional State administrations (ministries and their regional directorates) will be extended to other bodies of the central public administration (in particular the health services), and in finally developed towards the decentralised public administration (local and regional authorities).

More information at: https://www.economie.gouv.fr/dae/formation-et-filiere-achat

Example 2. **ITALY – Training strategy developed together with the Council of Ministers, CONSIP and ITACA**

In the context of the Italian public procurement reform programme, ensuring appropriate training and adequate implementation of rules is paramount. The Reference Document on Public Procurement Reform Strategy highlights the main issues affecting the functioning of the public procurement system:

- lack of professionalism regarding procedures, preparation of tender documents and use of criteria for evaluation of tenders;

- lack of legal or technical training which leads to lack of specific skills and capacities.

The new Public Procurement Code provides specific standards aiming professionalising public administrations through the introduction of a special mechanism to assess technical skills. This mechanism will be launched starting in 2018 and it will include benchmarks for the issuance of qualification certificates.

Consequently the Italian government proposed a Training Plan as part of the Action Plan for Public Procurement which was negotiated with the European Commission.

The training plan includes the following elements:

1) General trainings of 30 hours through e-learning tools available for the staff of all the CAs in Italy - estimated cost 100.000€.

2) Specialised classroom training to develop necessary specific skills for CAs and in particular for the CPBs (20 days for 150 beneficiaries – estimated cost 200.000€).

3) Operational training provided on regional basis involving administrative staff of CAs from each region (30 hours of specialised training for 100 beneficiaries Units per Region - estimated cost 500.000€). In addition, the staff of the managing authorities and audit authorities financed by EU funds will be involved.

More information at: http://www.consip.it/

Example 3.   GERMANY: Decentralised Procurement System in Germany: Options for Professionalisation and Support for Buyers and Providers

The public procurement system in Germany is primarily decentralised. The estimated distribution on the governmental levels is the following:

- 58% of all procurement activities at the municipal level,

- 30% at the level of the federal states,

- 12% at the federal level.

There are 4 CPBs at federal level:

- Federal Procurement Office (BeschA)

- Federal Central Customs Authority (GZD)

- Federal Office of Bundeswehr Equipment, Information, Technology and In-Service Support (BAAINBw)

- Federal Institute for Materials Research and Testing (BAM)

With the Coordination Unit - Government Purchasing Authority of the Ministry of Internal Affairs (Kaufhaus des Bundes) (73.000 standard products, 460 framework contracts)

A decentralised PP system requires a differentiated approach to aggregation at different levels consisting of CPBs at central level and a tendency to joint procurement at local level. Even though the German system is highly decentralised there are specific solutions developed at central level:

- prevention of corruption at federal level with trainings and functional solutions such as designating a contact person and rotation of employees;

- sustainability: with a specific strategy, competence centre, collection of good practices, technical assistance, trainings and information tool, leading to horizontal integration at federal level and vertical integration at state level;

- innovation: with the KOINNO centre of excellence;

- IT Procurement centralised in a single point of contact at federal level through a Central office with a project to develop a central e-Procurement portal.

More information at: http://www.bmwi.de/Navigation/EN/Home/home.html

- **Tools and support:**

Example 4.   OECD Guide on how to elaborate a procurement capacity strategy

The 2015 OECD Recommendation on public procurement (see infra) calls upon countries to develop a procurement workforce with the capacity to continually deliver value for money efficiently and effectively (i.e.: "capacity building"). This guide is a follow-up to the Recommendation and provides contracting authorities/ entities willing to develop their procurement capacity strategy a step-by-step procedure as well as good practice examples.

An efficient system includes: 1) procurement rules and procedures that are simple, clear, as well as ensuring access to procurement opportunities; 2) effective institutions to conduct procurement plans and procedures; and conclude, manage and monitor public contracts; 3) appropriate electronic tools; 4) suitable human resources, in numbers and skills, to plan and carry out procurement processes; and 5) competent contract management.

To implement of an efficient capacity building strategy, it is advisable to follow these steps:

1. Provide leadership: Creating the steering committee
2. Identify the issues: Assessing the workforce
3. Establish perspective: Identifying the goals
4. Seek solutions: Finding the appropriate training solutions
5. Design the programme: Drafting the strategic action plan
6. Include training: Drafting the training action plan
7. Remember resources: Financing the strategy
8. Monitor the results: Learning and adapting

The following template can be used as a general example for capacity building in procurement and should be adjusted according to the specific requirements of strategic procurement for innovation.

Task	Institutions in charge	Objectives	Beneficiaries	Duration
Organisation of the steering committee	Ministries Procuring entities Universities Training institutions	Conduct a strategy	All stakeholders	1-5 years
Assessment of procurement capacity	Internal service or consultant	Assessment report	Steering committee	3 months
Organisation of the training for professionals – Training the Trainers (TtT) and Profs-to-Profs programme	Steering committee + universities and training Institutions under the supervision of the steering committee	1. Define the engagement of the universities and faculties 2. Select the future trainers to be trained in the TtT programme and in the Profs-to-Profs programme	Trainers	3 months
Preparation of training materials	Small group of professors and professionals selected by the steering committee following proposals by the universities and ministries	Creation of modules (documents, presentations) covering national and local public procurement issues + e-learning tools for self-guided learning	The trainers of trainers (TtT) The Profs-to-Profs programme The trainers and the students	4 months
Piloting the training Accreditation of the training	Steering committee	Verification of the contents Verification of the seriousness of the process for delivering certificate or diploma Collect feedback in order to	Universities, students, young professionals, professionals	Yearly

		increase effectiveness		
Professionalisation: Reform of the civil service legal framework	Steering committee/ coordination with the Ministry of Civil Service	Adoption of provisions on the procurement career, on the commitment to work for public service and the cool-off period; code of ethics and business manual; incentive for procurement staff.	Procurement staff	1 year
Harmonisation and certification	Steering committee/ coordination with the Ministry in charge of education	Provisions to regulate the enrolment, graduation, certification of the agreements with training institutions	Trainees and students	1 year to build the certification system
Dissemination of knowledge on public procurement	Steering committee (with consultants) / develop materials (e-tools, films, radio message, pamphlets, workshops for SMEs)	Explain public procurement principles and links with a good policy architecture, anti-corruption and public savings	Civil society Non-Governmental organisations (NGOs) Media Justice sector Private sector	3 years
Research	Universities + twinning arrangements with foreign universities or partnerships with Chambers of Commerce	Develop research on public procurement (thesis, PhD research) Create websites and publications Create clinics in law schools on public procurement issues	Graduate students in law, economics and management	Long term
Monitoring	Steering committee: Report on the results achieved, each year	Performance indicators: Number of trainees/students Results (number of certificates/diplomas delivered) Audience satisfaction survey Follow-up employment	Trainers, trainees, students, young professionals, professionals, all stakeholders	Yearly

More information at: http://www.oecd.org/gov/public-procurement-for-innovation-9789264265820-en.htm and http://www.oecd.org/gov/public-procurement-for-innovation-9789264265820-en.htm

➔ 1.b. Coordination with other public policies, including eGovernment

Professionalisation strategies should be developed in coordination with other policies within the government in terms of setting strategic directions, priorities. The first connection should be drawn with any effort at professionalisation public administration in general, where a special focus should be put on procurement aspects. On the other hand, it should also be linked with general developments in the functioning of public services, such as reducing red tape, better regulation, user centricity as well as digitisation and eGovernement. This is particularly relevant for eProcurement.

Reducing administrative burden is not only beneficial for contracting authorities/entities, but also provides an incentive for economic operators to participate in public procurement markets, as they benefit from reduced waiting times until the award of a contract.

Public procurement often presents long delays and inefficiencies due to the fact that organisations have complex and redundant processes. As a result, some Member States have introduced processes to streamline procedures and aimed at reducing waste, saving time and limiting administrative burden for contracting authorities/entities, as well as economic operators. Such a process can be conducted government or public sector-wide or at organisational level depending on the scope of the exercise. Often, streamlining of processes and procedures is conducted on the basis of management approaches, such as for instance the Lean Sourcing approach.

The first step to streamline procurement procedures lies in accurately mapping the current processes by identifying the steps needed and the people involved (status-quo analysis). Once the processes are mapped out, it is possible to identify the source of inefficiency (time loss, redundant processes, etc.). On the basis of this analysis the processes can be restructured and simplified, eliminating unnecessary time loss, use of resources or other types of administrative burden.

Importantly, the new processes need to be formalised through instruments such as guidance documents. Furthermore, it is essential to bring the staff on-board with the new changes, as this may result in a significant impact on how their daily work functions. In such cases, providing training to staff is effective to ensure that the procurement processes are streamlined not only on paper but also in practice.

- **Examples and Case Studies:**

Example 5.   UNITED KINGDOM – Implementing Lean Sourcing approach

In 2012, the Minister for the Cabinet Office mandated Lean Sourcing principles across the central government in order to speed up the procurement process and reduce the administrative burden linked to long delays and associated waste and costs. The implementation of Lean Sourcing resulted in the design of a number of 'Standard Operating Procedures', which optimise the efficiency of the process of each main procurement procedure. The 'Standard Operating Procedures' were published for use of all civil servants dealing with procurement. In addition, staff is encouraged to follow a specific training on how to implement the new Standard Operating Procedures.

The introduction of Lean sourcing also resulted into a number of high-level recommendations aimed at speeding up and improving procurement procedures at central government level. Specifically, the use of the open procedure is encouraged, as this procedure has only one main step compared to the other procedures, and is therefore speedier. Furthermore, the Lean Sourcing approach places great emphasis into the preparation stage of the tender, paying particular attention to SMEs, specifically by encouraging the division of contracts into lots.

More information at: www.gov.uk/government/organisations/crown-commercial-service

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➔ 1.c. Taking stock of developments in other Member States and at international level

Cross-border exchange of knowledge and good practices allows for the replication of proven successful solutions between countries, particularly enabling public procurement practitioners at a local level to develop the necessary knowledge, skills and tools through a results-oriented approach.

In the context of public procurement reform, several international organisations have laid down programmes aimed at providing trainings and technical assistance in capacity building to countries across the globe. Most of these programmes target both public authorities – ministries, regulatory agencies – at the central level of government as well as end users such as contracting authorities/entities and economic operators. Technical assistance usually takes the form of trainings provided in cooperation with experts from public authorities of a third country, and normally comprises an initial assessment aimed at identifying weaknesses in the national public procurement system as well as the actors most likely to benefit from the cross-border knowledge exchange exercise. Moreover, several technical assistance programmes rely on the use of innovative e-learning tools which have the potential to further amplify the impact of cross-border knowledge exchange.

- **Examples and Case Studies:**

Example 6.   EBRD/UNCITRAL – Initiatives for Enhancing Public Procurement Regulation in the CIS Countries and Mongolia

➔ Since July 2014 the EBRD project team has been working in partnership with the Korean Knowledge Sharing Programme on a review of Tunisian e-procurement procedures, including new procedures for registering, pre-qualifying and engaging local SMEs in public tenders, and a training programme using online tools aimed at SMEs. Overall, this particular initiative aims at fostering capacity building for both contracting authorities/entities and SMEs as well as the implementation of e-procurement, using business associations and chambers of commerce as multipliers.

➔ The EBRD and UNCITRAL Initiative on Enhancing Public Procurement Regulation in the CIS Countries and Mongolia was introduced in 2011 with the aim of providing assistance in public procurement reform in selected CIS countries and Mongolia, particularly by:

- promoting regulatory benefits of public procurement reform in order to maximise the performance of local public procurement markets;
- developing laws and institutions (regulatory, review and remedies bodies) and providing end-users (contracting authorities/entities, economic operators, business and legal procurement professionals, judges) with information about legal issues as well as good practices;
- exploring synergies in utilising the UNCITRAL Model Law to improve national legislation pursuant the 1994 UNCITRAL standard.

Recently the Initiative was expanded to provide technical assistance to the countries in the Maghreb and Mashrek areas.

More in particular, one of the projects comprised within the initiative was the provision of technical assistance for facilitating the participation of SMEs in public tenders conducted by Tunisian contracting authorities/entities via the newly established e-Procurement System (TUNEP). For the implementation of this particular project, EBRD and Tunisian officials relied on the resources of the Korean Knowledge Sharing Programme.

The project included three key components:

- review of existing public procurement procedures;
- policy advice for development of business friendly procedures for small value contracts;

capacity building to support implementation, including upgrade of the TUNEPS helpdesk.

More information at: https://www.ppi-ebrd-uncitral.com

- **Tools and support:**

Example 7.   OECD – Recommendation and Toolbox of good practices

As part of their activities in support of national governments in the field on public procurement reform, the OECD published in 2015 a Recommendation on Public Procurement. This Recommendation builds upon the principles enshrined in the 2008 OECD Recommendation on Enhancing Integrity in Public Procurement, expanding its scope to cover the importance of adequate policy architecture of public procurement system in helping achieve efficiency and wider societal goals – i.a.: sustainability, social inclusion, innovation.

The Recommendation, composed of 12 integrated principles, ensures a strategic and holistic approach in the use of public procurement. It is a reference for modernising procurement systems and can be applied across all levels of government as well as state-owned enterprises. It addresses the entire procurement cycle while integrating public procurement with other elements of strategic consideration such as budgeting, financial management and additional forms of services delivery.

Moreover, the Recommendation is also accompanied by a toolbox providing policy tools, specific country examples as well as indicators to measure your public procurement system.

More information at: http://www.oecd.org/corruption/recommendation-on-public-procurement.htm

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> **Recommendation 2**
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> Member States should also **encourage and support contracting authorities/entities** in implementing the national professionalisation strategies, developing professionalisation initiatives as well as appropriate policy architecture and cooperation for a more coordinated, efficient and strategic procurement based on, among other things:
>
> a)   increased **cooperation between relevant services** and between contracting authorities/entities; and
>
> b)   the **expertise and support** of training institutions, central purchasing bodies and of procurement-oriented professional organisations.

➔ 2.a. Encourage cooperation between relevant services and between contracting authorities/entities

Member States should encourage mechanisms within the contracting authorities oriented at making public procurement more strategic and efficient.

When formulating a procurement strategy aiming at making public tenders more efficient, transparent and professional, public authorities must first set their priorities as regards which aspects or areas of public procurement will receive the most attention and resources. Hence, coordinating with other policy priorities, involving and reaching out for expertise of other services within the contracting authority, as well as acquiring knowledge of end recipients' needs and capacity of economic operators through market consultations is a critical element for the success of any procurement strategy.

Cooperation between different contracting authorities within a region, a country or across the EU may be of great support when pursue specific policy objectives such as sustainable or innovative procurement in order to exchange experience and approach more complex issues. Moreover, public authorities must ensure the outputs and outcomes are closely monitored and measured once the strategy is put in place. The results obtained will help translate the lessons learnt into a fact-based plan which will guide the manner new procurements are conducted.

- **Examples and Case Studies:**

Example 8.   BELGIUM – Integrated strategies for strategic procurement in the City of Ghent

In order to become a 'smart city', the city of Ghent developed different strategies which are combined and translated into real life procurement, thus enabling municipal authorities to use its purchasing power to make a change on several fronts at once. Together with internal and external experts, stakeholders and citizens the city's leading political coalition developed an ambitious mission statement which was translated into different strategies and plans (procurement strategy, food strategy, mobility plan, i.a.).

The different integrated strategies implemented by the municipality relied on support at the political level and required a long term vision and awareness of the bargaining power of public procurement practitioners, together with the necessary room for trial and error. Another important element was the collaboration with experts belonging to different functions and professions within the municipal government, as well as partners outside the city government such as academia, professional organisations as well as other local authorities across the EU.

The implementation of these integrated strategies also demands cooperation with economic operators and other stakeholders through market consultation, since keeping them informed will serve to better translate the goals embedded in the strategy into practical matters.

Finally, building up expertise on a particular subject matter – i.e.: food procurement strategy for local schools – or regroup similar topics so practitioners can acquire specialised knowledge and skills.

The City of Ghent is applying these principles for quite some time. In 2014, the Purchase Department initiated a city-wide project in view of embedding the Strategic and Sustainable Purchases in the municipal procedures. Thus, Ghent is the first city in the world that is using professional cleaning products. This effort was bestowed with the Cradle to Cradle Silver Label. In the build-up to the ambitious mobility plan for the Ghent city centre, all contracts are already pursuing lesser transports, but also more sustainable means of transport, in view of reducing CO_2 emissions.

More information at: https://stad.gent/smartcity-en

Example 9.   FINLAND: Hansel - Aggregation as a driver of co-operation

Hansel Oy, a state-owned non-profit limited company, acts as a central purchasing body (CPB) and is designed to:

- increase the Government's savings by entering into framework agreements for procurement,
- reduce public expenditure by increasing productivity in central government procurement.
- provide ancillary procurement services to central government departments and offices

Hansel seeks to drive and develop central government purchasing by:

- inviting tenders for products and services,
- establishing framework agreements based on the tendered items,
- offering tender consultancy services to its customers, the contracting authorities,
- providing electronic tendering and ordering tools and reporting services on government spending not only through framework agreements but also on other purchases made by government organisations
- offering support and coordination services in procurement to contracting authorities

Already at outset it was clear that the only way to get the users acceptance to the new model was to engage the people working in various ministries, ministerial offices and agencies in planning the future organisation but also the service it would offer to its customers. It was concluded that the organisation would assume the role of a service organisation and aim at providing excellent customer support service.

The future users were invited to participate in the planning of the first framework agreements, a custom that has since then been built into the organisation's established standard processes and practices. Further, when the users learn to know each other, they often find it easier to turn to others in other procurement related questions. In fact, as part of the support service Hansel gives to its customers, customers now turn it also in questions related to their own procurement procedures. The organisation also involves suppliers in planning process through extensive market consultation, through which also the suppliers learn new issues about public procurement.

More information at: www.hansel.fi/en/

Example 10. International network Global Lead City Network on Sustainable Procurement

The Global Lead City Network on Sustainable Procurement is a group of 14 cities committed to drive a transition to sustainable consumption and production by implementing sustainable and innovation procurement. All participating cities are acting as ambassadors of sustainable procurement to lead to a resource efficient, low carbon and socially responsible society.

The 14 cities are: Seoul (Republic of Korea), Auckland (New Zealand), Budapest (Hungary), Buenos Aires (Argentina), Cape Town (South Africa), Denver (United States), Ghent (Belgium), Helsinki (Finland), Montréal (Canada), Oslo (Norway), Rotterdam (The Netherlands), Tshwane (South Africa), Quezon City (Philippines) and Warsaw (Poland).

These 14 cities have committed themselves to be a pioneer in a transition towards a sustainable consumption and production by means of applying sustainable and innovative tenders. By introducing sustainability criteria, government organisations are generating tangible advantages for society, the environment and the economy.

Cities participating in the Network are leading by example globally in sustainable procurement implementation. They have committed to set ambitious, quantified targets on SPP, report on achievements, act as global and regional champions of SPP

The Global Lead City Network on Sustainable Procurement is producing a series of publications, presentations and other tools of interest for public authorities implementing sustainable procurement and procurement of innovation practices.

ICLEI is the worldwide supporting network, comprising over 1.000 cities, towns and metropolises that are building towards a sustainable future.

More information at: http://www.glcn-on-sp.org/home/

- **Tools and support:**

Example 11.   EUROPEAN COMMISSION - BuyZET and SPICE: Horizon2020 funded projects already provide support for procurers dealing with urban mobility solutions

➔ **BuyZET Project: develop innovative procurement plans to help the participating cities achieve their goals of zero emission urban delivery of goods and services.**

The core cities in the project - Rotterdam, Oslo and Copenhagen - will first identify which goods and service procurement areas have the highest "transportation footprint" - i.e. the number of motorised vehicle trips to transport goods and people generated in delivering the goods or services, and the related emissions. Based on this, each city will select two procurement areas to focus on for the project.

For each priority area, the cities will then:

a) Instigate in-depth market consultation activities with all relevant supply chain actors to identify potential procurement pathways to achieving zero emission delivery.

b) Identify and engage with other significant public and private buyers in the priority area with the aim of establishing a buyers group, launching joint or collaborative procurement actions

Based on these activities, each city will prepare procurement plans, identifying specific upcoming tenders where the innovative solutions identified will be applied.

The core group of cities will be joined by a group of Observer Cities, who will closely engage with project activities and be encouraged to also carry out the defined activities within or following the project period.

More information at: http://www.buyzet.eu/

➔ **SPICE Project: Facilitating public procurement of innovative sustainable transport and mobility solutions in urban areas**

The ever increasing demand for implementation of sustainable and innovative transportation solution in order to reach the cities service goals, dictates the need for more advance methods of procurement to address key parameters such as innovation, scalability, interoperability etc. Therefore, there is a strong need to establish a domain for understanding the public buyers' needs and the market perspectives in this matter. SPICE will give an invaluable chance to public authorities to share their experiences of procurement of innovative sustainable transportation solutions and to learn from each other.

Over a 24 month timeframe, this project will enable public procurers to form a stakeholder group. This project will gather the best practices in procurement of innovative sustainable transport and mobility solutions in three hierarchical levels - national, regional and city levels - by engaging with leading European cities and regions, industry and academic institutions to facilitate sharing of their best practices and demonstration of using public procurements for innovative solutions using various instruments: PCP, public-private-innovation partnerships, market consultation, award criteria, etc. It will carry out in-depth analyses on current practices, to look into various possibilities to enable fast adoption of new technologies, and to define strategies of procurement approaches and award criteria stimulating innovation, thus forming a set of recommendations.

This will assist public authorities to use this collection of best practices in a more constructive and simple manner and implement the recommendations through capacity building and knowledge transfer activities. Finally, using the project as platform, SPICE will form a number of buyers groups to work on strategies on how to plan joint, cross-border, procurement actions for their sustainable transportation projects, and – if possible – to commence planning of such actions during the timeframe of the SPICE project.

➔ 2.b. Reliance on the expertise of training institutions, central purchasing bodies and of procurement-oriented professional organisations

When putting into practice the policy guidelines stemming from superior echelons in the public administration structure – i.e.: such as Ministries or regulatory agencies – contracting authorities/entities may encounter difficulties arising from their lack of know-how or financial and human resources.

In particular, training institutions such as public administration schools, expertise centres or central purchasing bodies can play a supporting role in creating synergies and providing contracting authorities/entities with the right knowledge and capacities.

Moreover, such organisations can play a role in shaping the impact of the public procurement function in developing professionalisation initiatives. Besides providing public procurement practitioners with more visibility, they can act as centres for the dissemination of information through the publication of journals, handbooks and compendia, as well as providing additional business information services.

Furthermore, they can enhance professionalism in public procurement through their role as centres of expertise, providing consultancy and advisory services to public procurement practitioners as well as managing training programmes, webinars, seminars and exhibitions. Overall, they can help bring consistency to the whole public procurement function, aggregating expertise and bringing together professionals from different functions (legal, financial, logistical, etc.) and levels (local, central, international).

- **Examples and Case Studies:**

Example 12.   FRANCE – Association for Sourcing in Public Services (APASP)

APASP, *Association Pour l'Achat dans les Services Publics*, is a national non-profit association of individuals and organisations active in public procurement, comprised of around 2000 members including public authorities at the local level and the healthcare and education sectors, as well as economic operators and students in public procurement-related programmes. The APASP's goal is to promote the professionalisation in the public buyers by means of training, advice and information exchange, hence improving the image of the profession as a whole.

Among the different activities carried out by APASP, there are several types of business information services available to its members – i.e.: synthesis and analysis of public procurement rules, publication of dictionary of public procurement – in addition to trainings, conferences, exhibitions, as well as internships for students enrolled in dedicated public procurement programmes. APASP produced a mobile application collecting all jurisprudence, notices from the Ministry of Economy and Finance with commentaries.

APASP is also an intermediary between its members and different partners and bodies such as the Ministry for Economy and Finance, the State Purchasing Directorate (DAE), the central purchasing body (UGAP) or the European Commission.

The association also assists its members by means of technical support, acts as official support for the MAPA publication, and finally operates as a sourcing platform and a meeting platform between public procurement practitioners and economic operators.

More information at: www.apasp.com

Recommendation 3

Member States should **identify and define the baseline of skills and competences any public procurement practitioner should be trained in and possess**, taking into account the multidisciplinary nature of procurement projects, both for dedicated procurement officials and for related functions as well as for judges and auditors, such as:

a)   **frameworks for skills and competences** to support recruitment and career management processes and in designing training curricula; and

b)   a common competence framework for public procurement at European level.

➔ 3.a. Framework for skills and competences and training curricula

A competency framework defines the knowledge, skills and attributes needed for people within an organisation or a specific profession. Each individual role will have its own set of competences needed to perform the job effectively. By defining the curriculum of necessary skills and competences it is ensured that public procurement practitioners not only have a solid understanding of the legal requirements, but are also able to achieve better results in procurement.

Defining a competency framework is also useful for the long-term development of skills required for the job, e.g. for designing training and capacity building activities adapted to the specific needs of the practitioners. Professionalisation of procurement practitioners is viewed as increasingly important to ensure that procurement is carried out in compliance with regulations and aimed at obtaining the best value for money.

A competency framework may vary in scope: it can consist of a standard curriculum established at national level; or it may be defined at organisational level, for instance, as part of the human resource policy of a central purchasing body. The curriculum generally covers a broad spectrum of topics such as legal and regulatory aspects (e.g. choice of procedure) as well as economic and social aspects of public procurement, e.g. market knowledge, needs analysis, supplier analysis, knowledge of including accessibility for persons with disabilities into the public procurement process. Various curricula, either 'basic' or 'advanced', may be defined depending on the level of skills of the practitioner.

The competency framework goes hand-in-hand with a pre-defined training programme as well as final examination to ensure that procurers effectively master the skills defined in the curriculum. In specific cases, the requirement to attend a standardised training and obtain a certification is a pre-condition for being allowed to carry out the job.

- **Examples and Case Studies:**

Example 13.   UNITED KINGDOM - Commercial Skills and Competency Framework covering pre-market, sourcing and post-contract award

The CCS (Crown Commercial Service) has a modern approach to public procurement view the goal of enhancing the efficiency of the system. The Commercial Skills and Competency Framework details an exhaustive set of competencies that public procurement practitioners should acquire during their professional career. The competency framework covers three main areas:

1. Sourcing ("procurement policy and EU procurement regulatory framework, organisational specific process, procurement project resource, pre-procurement market engagement, executing the e-sourcing strategy");

2. Contract and Supplier Management ("transition to contract and supplier relationship management, contract administration, performance and relationship management, exit and re-procurement / closedown"); and

3. Category Management ("principle and process knowledge, initiating a category management process, developing and implementing the strategy, maintaining and improving the category").

More information at: www.gov.uk/government/organisations/crown-commercial-service

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Example 14.   SCOTLAND – Procurement competency framework including the global strands set by the Chartered Institute of Procurement and Supply

The content of the Scottish Procurement Competency Framework of 2016 has been refreshed to reflect the changing Scottish public procurement context and the global standards set by the Chartered Institute of Procurement and Supply, working in close collaboration with representatives from across the Scottish public sector.

The framework identifies skills and competency levels required by staff involved in the procurement process. It helps people take ownership of their personal development through a skills assessment, identifying training and development needs and supporting career planning. The framework is intended to complement, not replace, existing personal development tools in organisations.

The purposes of the competencies are to frame expectation within procurement roles and help identify skills, development opportunities and career paths. Given the diversity of the organisations, it is recognised that the use and application of this framework will vary from organisation to organisation. Not all competencies listed may be required at any given level; rather it will depend on job grade, job family and role within the organisation.

More information at: http://www.gov.scot

The competency framework can be downloaded at:
http://www.gov.scot/Topics/Government/Procurement/Capability/proccompfw

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Example 15. FRANCE - A single reference framework for procurement trainings

The State Purchasing Directorate (DAE) was created on March 2016 with the mission of defining the State's purchasing policy. The DAE provides trainings to public buyers and is in command of the overall purchasing training program strategy.

DAE has defined a **professional purchasing "family"**: 5 business areas encompassing 27 registered procurement professions. These 5 business areas are:

- Purchasing Manager

- Buyer

- Purchasing   Engineering Advisor

- Public procurement Editor

- Provider / purchaser
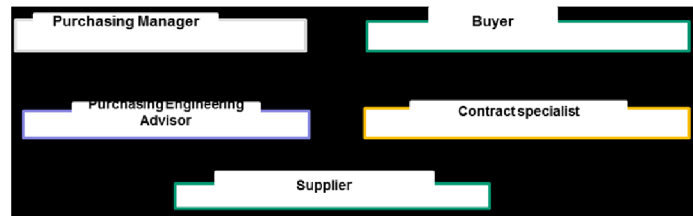
The objective of this 'family' is to give recognition to the whole procurement function by the different State's ministries and agencies, and externally by suppliers.

An official HR **reference framework** was also set up after a process of inter-ministerial consultation with the aim of:

- Defining precisely the nature and task of each procurement function

- Ensuring adequate career management and give consistency to the professional PP family scheme

Setting up a reference framework for PP could help achieve a better definition of PP professions, enhancing career paths and mobility.
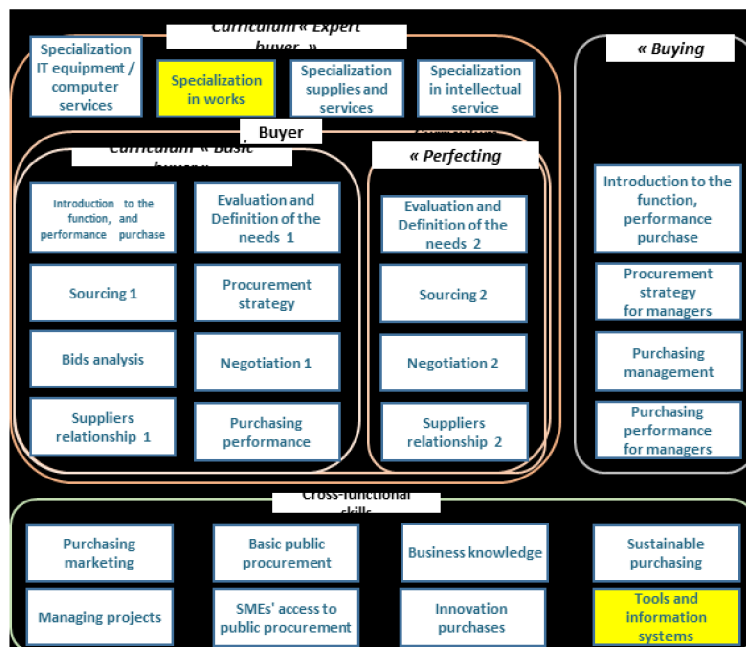
More information at www.economie.gouv.fr/dae

➔ 3.b. Contributing to a common competence framework for public procurement at European level

One of the follow-up actions that the Commission is envisaging is the creation of the European Competency Framework (ECF) that will list the minimum skills and competencies any procurement officer in the EU must possess. Such a competency framework intends to be a practical tool facilitating initial and vocational training, recruitment and human resources management, as well as administrative capacity management in Public Procurement (PP).

The use of European Competency Frameworks, and in general competence-based management, is increasing in the Commission policies for enhancing skills and competencies (e.g. TAXUD developed an ECF for customs with the objective of raising the overall competency and effectiveness of European customs services, detailed below).

Competence models for PP professionals developed with success in several Member States (e.g. IE, UK) can serve as a base for developing such a common framework at EU level, serving as inspiration for other Member States.

Developing an ECF for procurement is seen, through early consultations with MS authorities, as a useful tool to foster professionalisation in procurement in the Member States, to which they will be invited to contribute.

In order to develop such an ECF for procurement in the EU, there is a need to:

1/ assess what is already being developed in the Member States in terms of competency models (e.g. UK, IE, FR), or more widely competence-based public services management.

2/ Following this fact finding and analysis of existing competence models, the second part of the work should analyse the functions performed by procurement officials and the competences they need to possess in order to design an ECF valid and applicable across the EU.

The results expected from the project would provide a concrete and practical tool that can be submitted to the Member States: the proposed ECF should be thoroughly discussed with the procurement authorities and contracting authorities as well as training institutions in the Member States. The first objective will be to test the practical usefulness of the proposed model. The second, most important objective, will be to ensure the buy-in by the end-users of the model.

Finally, the implementation of the ECF in the Member States should lead to better data and awareness of the structure of the procurement administrative capacity, better evaluation of training and recruitment needs, and further down the line the creation of incentives – based on concrete competency achievements – to deliver better results through awards and career management.

- ## **Examples and Case Studies:**

Example 16.   EUROPEAN COMMISSION - EU Customs Competency Framework

A European Union Customs Competency Framework (EU Customs CFW) is now available for use by national customs services and businesses having to deal with customs. It has been developed in collaboration with public and private experts from EU Member States (MS), the World Customs Organization (WCO) and other international sources.

➔ What is the EU Customs Competency Framework?

A major goal of the EU Customs CFW is to help harmonise and raise customs **performance standards** throughout the EU. The EU Customs CFW is the foundation which sets out a consensus view of knowledge, skills and behaviours required by customs professionals in the EU and further defines public and private Customs roles ('Job profiles').

In addition, it offers tools to map and adapt the agreed EU Customs competencies and role descriptions to varying organisational and structural customs realities, for both national administrations and businesses.

The framework provides a mechanism to further improve organisational performance of the customs profession, even in difficult times.

It allows to:

- identify competency gaps and training needs;
- mitigate the risks related to pending retirement waves;
- assess staff against established standards;
- raise customs performance standards;
- improve both operational and human resources processes.

The framework includes four groups of competencies: the core values, and professional, operational and managerial competencies. Meaning and scope of the 4 categories and each competency are set out in an 'EU Customs Competency Dictionary'. All competencies are further specified with well-defined proficiency levels: 'awareness', 'trained', 'advanced' and 'expert'.

Public and private sector core customs roles ('Job descriptions') complete the EU Customs CFW package.
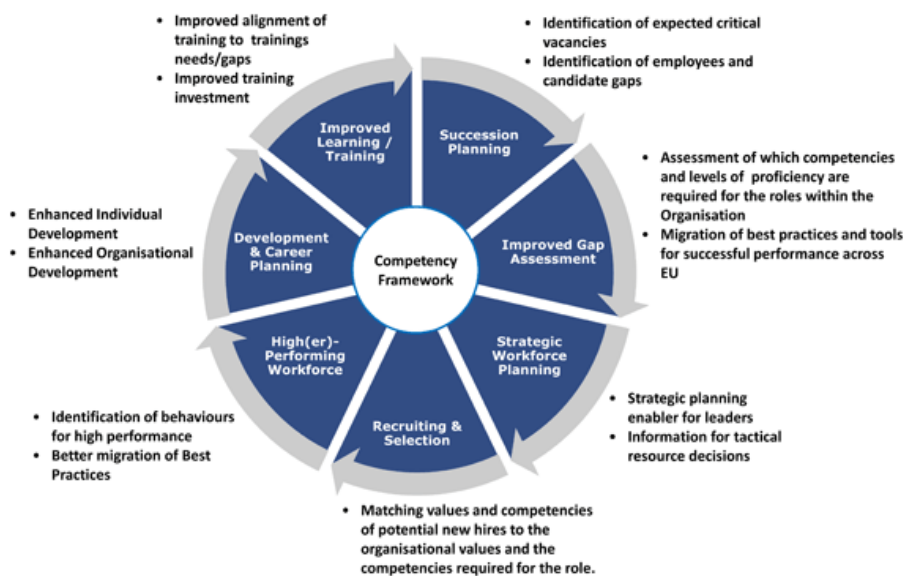
➔ What is next?

Building on this framework, two European Training Curricula for Customs have been developed, one for the public sector, one for the private sector. These curricula set out the 'Learning Topics' and 'Learning Outcomes' for training programmes that are tailored towards customs professionals working in the European Union.

Using these curricula even further, a set of Reference Training Programmes has been created for training providers as a basis for comparison to build or enhance their training programme structures and training materials.
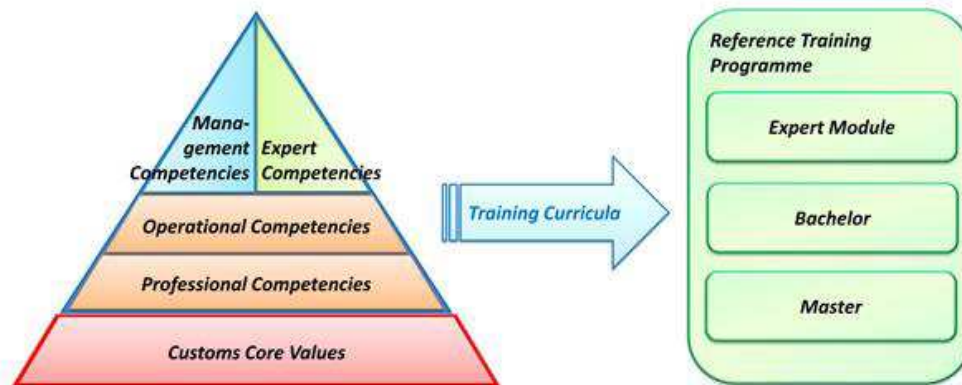
An EU Recognition Process for customs training programmes is currently being driven forward. Its purpose is to deliver a quality label for the accredited Customs Training programmes (Masters, Bachelors, Expert modules or vocational training courses). This will on the one hand give a quality assurance to the trainees and on the other hand help to further harmonise and raise customs performance standards throughout the European Customs Union.

More information at: https://ec.europa.eu/taxation_customs/eu-training/eu-customs-competency-framework_en

> **Recommendation 4**
>
> Member States should **develop appropriate training programmes – initial and lifelong** – based on data and needs assessment, as well as competence frameworks where available, such as:
>
> a) developing and/or supporting the development of the **initial training offer**, at graduate and post-graduate level and other entry-level career training;
>
> b) providing and/or supporting a comprehensive, targeted and accessible offer of **lifelong training and learning**;
>
> c) multiplying the training offer via **innovative, interactive solutions or eLearning tools**, as well as replication schemes; and
>
> d) drawing benefits from **academic cooperation and research** to develop a sound theoretical backing for procurement solutions.

➔ 4.a. Initial training offer by supporting learning programmes at graduate and post-graduate level and entry-level career training

'Initial training' refers to learning programmes aimed at prospective public procurement practitioners and carried out at the graduate or post-graduate educational level, usually before practitioners start their respective professional careers or with a view to perform tasks requiring more expertise or to occupy more senior positions. Initial training programmes could be developed by supporting university programmes at graduate and post-graduate level and entry-level career training.

- **Examples and Case Studies:**

Example 17.   POLAND - Sponsoring between PPO and dozens of Universities to offer a post graduate program in Public Procurement

The Public Procurement Office (PPO) is the primary policy, executive and oversight agency for public procurement in Poland, but does not have a purchasing role. The PPO is made up of the President, its permanent staff and the Public Procurement Council, an advisory body to the PPO.

The PPO has teamed up with ten universities, including the Warsaw School of Economics, to offer a postgraduate program in public procurement covering the entire procurement process from the preparation of tender documentation to award. In order to join the sponsoring program, the Universities have to commit themselves to follow-up the PPO Chart which defines the curriculum of postgraduate studies in the field of public procurement. The sponsoring program has several advantages for both PPO and the Universities. For PPO it is a way of establishing a partnership with the universities to develop and implement post graduate curriculum. In return, the universities gain the PPO's recognition and endorsement.

More information at: www.uzp.gov.pl

Example 18.   FRANCE – Specialised masters degrees

Initial training programmes have not been introduced in France yet. However, both in universities and preparatory schools, courses on law and procurement practice are gradually being held.

For example, the **University of Paris-Sud (Paris XI) offers a master programme entitled *Public contracts and procurements – the public purchasing practice.*** The programme aims at reflecting the multidisciplinary approach of the subject-matter:

➢ The first pillar has a mainly legal nature and focuses on lectures on European public procurement, concessions and public private partnership contracts, judicial remedies and also policy architecture in Africa;

➢ The second pillar has a more economic nature and is composed of lectures on finance and public contracts taxation, forbidden agreements (i.e.: cartels) and abuse of dominant position and also public and private accounting;

➢ The third pillar focuses more on the public buyer profession, and lectures focus on defining needs, drafting specifications, dialogue and negotiation, prevention and litigation management and also on organisation and strategy for public procurement of services through electronic tools.

After a 7-month course, students have to complete an internship within a public sector organisation or a company for a period between 4 to 6 months. The academic year ends up with the drafting of a thesis on public procurement related topics to be defended before an academic.

In years to come this specialization will turn into a comprehensive master that will enable prospective students to work at a company or a public sector organisation. It has to be noticed that it is very common for students who are enrolled in this training to find internships both in the public and private sectors.

More information at : http://www.u-psud.fr/fr/index.html

Example 19. MALTA – Initial training programme in collaboration between several institutions

In 2015 the Institute for Public Service (IPS), in coordination with the Malta College for Arts, Science and Technology (MCAST), the Chartered Institute of Procurement and Supply (CIPS), and the Department of Contracts (DoC, Ministry for Finances), organised a Diploma in Procurement and Supplies for public officers.

This Diploma aims to provide public officers with a valuable degree that can help them develop a professional career in public procurement and provide advice and guidance to key stakeholders on the performance of organisational procedures as well as the public procurement process.

The main focus of the Diploma is on:

- Organisational Procedures and Processes
- Planning
- Risk Management [2]
- Data Analysis

Currently the Department of Contracts (DoC), in coordination with the Office of the Prime Minister and MCAST, is pondering the prospect of offering a 3-year course leading upon completion to the award of a Degree in Public Procurement.

More information at: http://mfin.gov.mt/en/Pages/default.aspx

➔ 4.b. Comprehensive, targeted and accessible offer of lifelong training and learning

Lifelong training has the purpose of enabling people, at any stage of their life, to take part in stimulating learning experiences, as well as developing education and training. As compared to the initial training which takes place at the graduate or post-graduate level, lifelong training can take place throughout a person's working life and in a broad range of situations. Lifelong training aims at providing procurement practitioners with sufficient and updated knowledge taking into consideration the modifications in legislation and national procedures they have to be aware of. It implies a certain frequency of the training sessions, which could be accompanied by awareness raising events, conferences and newsletters covering new developments in the legal and technological environment.

Trainings should be comprehensive in terms of skills (negotiation, sourcing, evaluation and definition of needs, inter alia), and content (market analysis, operational good practices, legal interpretation, etc.). It should also be tailored to specific needs and target groups (central purchasing bodies, audit authorities, public procurement practitioners at the level of contracting authorities/entities) and differentiated between those who prepare the tenders and

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[2] Risk management in public procurement refers in particular to the assessment and mitigation of potential negative impacts such as: 1) waste or inefficiency during the whole procurement process, whether due to objective reasons or to mistakes on the part of procurement officials; 2) financial risks related to economic uncertainty and/or budgetary constraints; 3) fraud, misuse of public funds and corruption; and 4) reputational damage to the image of the contracting authority/entity.

those who make the decisions at the level of contracting authorities/entities, as well as economic operators. For example, SMEs, or judges or auditors are specific target groups with dedicated training curricula. Small firms are discouraged from submitting tenders because of barriers such as lack of awareness of contract opportunities and complex procedures, which is why these issues should be tackled to foster SMEs participation in public tenders.

In particular, judges handling procurement cases occasionally need dedicated trainings in order to build specific expertise in public procurement. In particular, it is important to support the training of judges in charge of procurement cases, whether they are civil law or administrative law judges, via:

- o Including training of judges on national and EU public procurement legislations;

- o Ensuring training of quality and tailored to the needs of judges dealing with procurement cases, notably by using the Advice for Training Providers on European Judicial Training, the European Judicial Training Network Handbook on Judicial Training Methodology in Europe and the good training practices mentioned on the European e-Justice Portal;

- o Supporting, whenever is possible, training initiatives on transparency standards for public administration, both in general and in particular for those Member States currently under a Cooperation and Verification Mechanism in matters of judicial independence and fight against corruption.

- **Examples and Case Studies:**

Example 20.   AUSTRIA – BBG Public Procurement Academy: dedicated training program

The Bundesbeschaffung (BBG), Austria's central purchasing body, set up the Public Procurement Academy to train its own buyers. BBG launched the Academy and its customised training programmes to professionalise their staff with specific skills needed to conduct public procurement, considering that BBG usually recruits professionals with product-related expertise, who often lack specific knowledge about the workings of the public administration.

1. On-boarding programme: most employees recruited from the private sector with no familiarity with PP. Trainings on essential information on frameworks and procedures (10 days)

2. Certified PP Professionals: with special skills and competences (2/5 years)

3. Leadership programme: trainings for top management (2/5 years)

4. Forum: training for suppliers and customers on PP law (2 days)

The training includes various aspects of procurement, such as legal, economic and purchasing aspects of procurement covering the key phases of the procurement cycle, i.e. pre-award, tender phase and post-award. Particular attention is paid to soft skills development, such as communication and negotiation. Training is provided both by in-house and external experts to give a balanced perspective on procurement in the context of a central purchasing body and outside of it.

More information at: http://www.bbg.gv.at/

Example 21.   IRELAND – Go-2-Tender Training Scheme for SMEs

InterTradeIreland, an agency by the Department of Jobs Enterprise and Innovation in Ireland (DJEI) and the Department for the Economy, provides a number of services to business with the goal to enhance growth opportunities, innovation and competitiveness. Among other tasks, it is recognised on the market for offering services targeted specifically at SMEs aimed at helping them compete in procurement markets.

Its flagship service in this respect is the Go-2-Tender training scheme, i.e. a two-day practical tender workshop designed for an SME audience, which covers key aspects of procurement. During the seminar SMEs are taught the knowledge and practical skills to be successful at tendering, such as identifying opportunities, bid/no bid decision, as well as drafting successful proposals.

To participate, companies must meet a number of eligibility criteria, such as being classified as an SME, operating in the manufacturing and tradable services sectors, ability to demonstrate export potential, among other attributes.

The workshops are conducted by experienced tender specialists and give insight into the procurement practices of public sector bodies in Ireland. Guest speakers from the central government procurement organisations are also invited. In addition to the plenary session, half a day of the workshop is dedicated to mentoring sessions, where participants can choose their topic of interest.

Workshops are offered in various locations and participation fees of EUR 100 apply. In 2016, seven seminars were held across the country and a similar number is foreseen for 2017. Participants can also apply for a follow-up workshop once they have concluded the first Go-2-tender seminar. Since the programme was introduced in 2007, over 900 companies have completed the workshop and were able to win procurement contracts worth GBP 60/EUR 69 million.

InterTradeIreland also organises *Meet the Buyer* events, where SMEs have the opportunity to meet public sector buyers face-to-face.

Finally, the agency offers FAQs, guides, videos and presentations as well as dedicated events on emerging trends that impact the procurement environment for SMEs.

More information at: http://www.intertradeireland.com/go-2-tender/

Example 22.   ROMANIA – Targeted trainings for judges

The National Council for Solving Complaints (CNSC) of Romania acts as a specialised review body and manages first-instance review of procurement procedures. Appeals of CNSC decisions are allowed before the Court of Appeal. Both the CNSC and the Court of Appeal resort to the involvement of experts during review proceedings. As this is quite costly and time-consuming, Romania has developed a training programme to professionalise judges. The main training institution in Romania is the National Institute of Magistracy (NIM) created in 1992. NIM provides initial training for future judges and prosecutors as well as continuous trainings for in-service judges and prosecutors.

In its 2017 continuous training plan, NIM offers 250 training activities available to judges and prosecutors with more than 5,000 seats open. Training activities are specialised and cover various legal fields such as administrative, financial, tax, civil, criminal and consumer law, as well as non-legal areas including communication, personal development, judicial ethics and corruption, among others. Public procurement is also covered by the 2017 training plan and consists in the following three free-of-charge training activities:

- Six two-day trainings on centralised public procurement developed within the scope of the project "Training support for capacity building of judges and prosecutors in applying new laws" co-financed by NIM and the Swiss Agency for Development and Cooperation (SDC). The project aims at improving professional skills of Romanian judges;

- Two two-day trainings courses financed by the CNSC, the National Agency for Public Procurement (ANAP) and NIM that aim at unifying the judicial, administrative and jurisdictional practice and ensuring vocational training for judges responsible for setting complaints in public procurement. In addition, the two-day training tackles new public procurement provisions brought by the public procurement legislation. Specifically, it covers annual public procurement planning, the European Single Procurement Document, selection, qualification and award criteria, green public procurement criteria and strategic procurement;

- Two trainings courses under the project "Effective mechanisms to prevent and fight corruption in public administration" financed by the Internal Security Fund and the Anti-corruption Department of the Romanian Ministry of Interior. The course objective is to increase specialisation of personnel involved in the investigation and research of corruption in public procurement including in relation to EU funded projects.

In order to better meet the public procurement-related training needs of judges, Romania has also developed a process for performing training need assessment. Needs-related information is gathered via multiple sources including the professional association of magistrates, legal associations, judicial trainers, courts and prosecutor's offices. Once a list of needs is established, it is complemented by judges and prosecutors' suggestions for training topics made via an online system. This data represents the basis for the elaboration of an annual training plan. Also with the objective to better address local training needs, decentralised training courses are organised in remote areas. Decentralised trainings whose purpose is to enable face-to-face training with judges are coordinated and managed by NIM.

More information at: http://www.cnsc.ro/en/

National Council for Solving Complaints 2016 activity report available at: http://www.cnsc.ro/wp-content/uploads/2017/03/raport2016_EN.pdf

- **Tools and support**

Example 23. BULGARIA – Public procurement training in Bulgaria, an OECD project, funded by the EU

In 2016 the OECD ran a one-year project with the Bulgarian Government to support the development of administrative capacity, training and dissemination of information, ensuring the effective application of public procurement rules. The projects comprised the following steps:

1. Assessment of Needs of public officials in order to define training priorities: based on interviews with relevant stakeholders and on the reports published by the European Commission on the public procurement situation in Bulgaria.

2. Training of Trainers (ToT): the selection of trainings beneficiaries was carried out by the Investment Promotion Agency (IPA) in collaboration with the OECD and key stakeholders. The trainers selected were asked to participate in an online pre-exam in order to assess their knowledge prior to the workshops, and also to help monitoring the impact of the action.

The set-up of the training workshop (ToT) and pilot sessions consisted of:

- All participants received a five-day training workshop, aimed at individuals who will become trainers for the 15 modules for the 3 years training plan.

- To further support each target group, peers and experts from European Union countries – i.e.: Austria, Finland, Italy, Lithuania, Poland – were invited to share experience and real life cases.

- At the end, the beneficiaries took a post exam. The project included two pilot sessions for the trainers to present a full module to others. The OECD monitored the process, adjusted the content of each module and provided feedback on the trainers' performance.

3. Training Plan: to further ensure the effectiveness of the public procurement training in Bulgaria, the OECD jointly developed with key national stakeholders a 3-year training plan to maximise the optimisation of the materials that were created for the project. The plan incorporates four components: 1) face to face workshops/seminars (the main focus of the training plan); 2) e-learning; 3) on-the-job training and job swapping strategy; and 4) communication and raising awareness strategy.

More information at:

- **"*Public procurement training for Bulgaria: needs and priorities*", is a key deliverable of the Project: www.oecd.org/gov/ethics/guide-public-procurement-legislation-bulgaria.pdf**

- **Legal guide developed based on the newly transposed EU directives: www.oecd.org/gov/ethics/public-procurement-training-bulgaria_EN.pdf**

Example 24. EJTN - European Judicial Training Network – Training standards for EU judicial training institutions

The European Judicial Training Network (EJTN) is the principal platform and promoter for the training and exchange of knowledge among the European judiciary. EJTN represents the interests of over 120,000 European judges, prosecutors and judicial trainers across Europe.

EJTN develops training standards and curricula, coordinates judicial training exchanges and programmes, disseminates training expertise and promotes cooperation between EU judicial training institutions.

EJTN's nine **judicial training principles** provide a common foundation and framework for Europe's judiciary and judicial training institutions. The principles establish key statements relating to the nature of judicial training, the importance of initial training, the right to regular continuous training and the integral nature of training in daily work. The principles also address the dominion of national training institutions regarding the content and delivery of training, clarify who should deliver training and stress the need for modern training techniques as well as express the need for funding and support commitments from authorities.

More information at: www.ejtn.eu/About-us/

The European Judicial Training Network Handbook on Judicial Training Methodology in Europe is available in all EU languages at:

http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf

Example 25. SIGMA - Public procurement Training System for students and trainers

At the request of the European Commission, SIGMA prepared in 2010 comprehensive training materials for EU candidate and potential candidate countries (Instrument for Pre-Accession Assistance IPA). The project comprises :

- Training Manual for students and trainers (published by SIGMA in 2010, revised in 2015)

- Support for implementation of the training scheme in IPA countries (implemented by an EU funded regional technical assistance project in 2010-2012).

The training manual was designed based on the EU PP Directives and good practice of EU Member States for the needs of procurement practitioners (procurement officers):

- provides several tools (case studies, exercises, tests) to be used in training classes;

- is accompanied by detailed methodological instructions for trainers;

- covers the totality of the public procurement (PP) process, from planning and preparation to contract management and contract performance measurement;

- follows the chronology of the whole PP process and is organised around the topics that form PP officers' daily practice;

- contains a module for economic operators.

The training package is divided into two parts:

- Student's Pack: main training materials (narrative, exercises, legal framework, self-test questions).

- Trainer's Pack: additional resources for trainers (answers to exercises and questions, handouts, slides, pedagogical instructions).

More information at: www.sigmaweb.org/publications/public-procurement-training-manual.htm

➔ 4.c. Innovative, interactive solutions or eLearning tools, as well as promoting replication schemes with training of trainers at local level

E-learning refers to the use of various technologies and tools to support learning in different context. E-learning can take the form of blended learning and distance learning. Blended learning consists in combining face-to-face teaching with online learning via pre-recorded teaching modules. Distant learning is conducted only via the internet with the aim to support geographically distant individuals and who do not have access to traditional classroom education. In the context of public procurement, e-learning can be a useful tool to professionalise procurement practitioners by strengthening their professional development and enhancing their knowledge and skills. In addition, the e-learning platforms can serve as tools for various promotional and dissemination activities. Indeed, the e-learning platform provides a transparent and open interface to promote professional criteria and standards related to public procurement and to communicate the government's priorities in procurement policy.

Innovative tools and systems could ensure a better quality of trainings, for example by providing adequate ways to train the trainers through replication models. The top level trainers should be certified in order to provide the best services in terms of quality and efficiency.

- **Examples and Case Studies:**

Example 26.   FRANCE – Training schemes for distant learning

The State Purchasing Directorate (*Direction des achats de l'Etat* – DAE) has developed several training schemes for distant learning:

1. ORME classical online training: E-learning training on the fundamentals of public procurement and on tools of dematerialization for drafting call of tenders.

2. MOOC training: innovative and more accessible, specifically for public works: 15 short video modules on real estate policies (purchasing strategies, purchasing leverage, negotiations, measure/ computing of economic gains and national and European standards). To be expanded depending on success of 1st modules.

More information at: https://www.economie.gouv.fr/dae
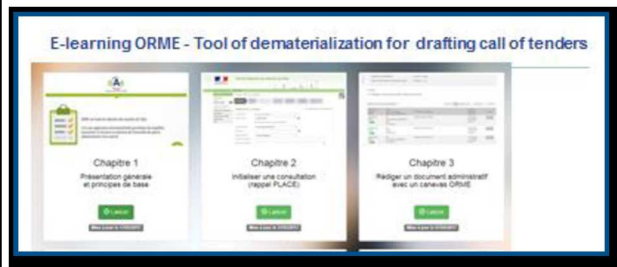
Example 27. ITALY - Replication model for trainings

In 2003, as a result of the launch of a national initiative for the rationalisation of public administrations aiming at streamlining public procurement, Consip – Italy's central purchasing body – partnered with a nationwide association of enterprises-suppliers to develop a network of dedicated training desks called "Sportelli in Rete". The purpose of the initiative is to:

- Instruct suppliers in a more optimal use of the eProcurement tools available, hence fostering innovation and efficiency.

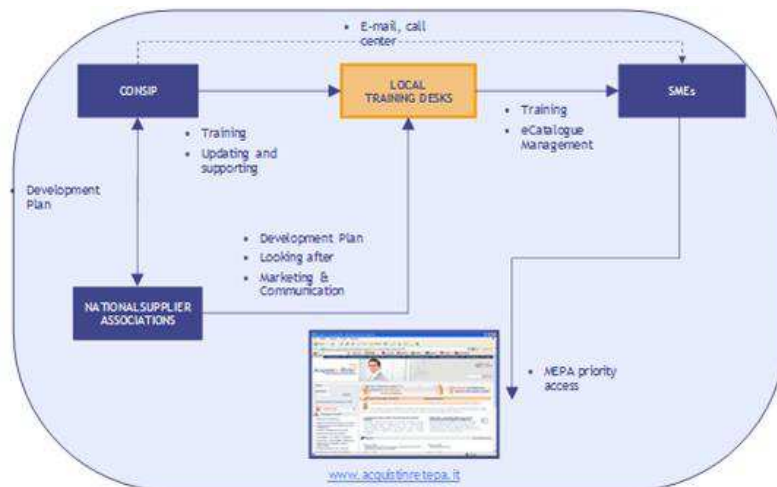- Promote the use of the eMarketplace tool – MEPA - among suppliers, especially SMEs

- Increase the participation of SMEs in Consip's e-procurement activities, especially at the local and regional level

Consip's experts train associations staff who subsequently train local SMEs free of charge. Italy has set up over 200 SME public procurement training desks, within 11 supplier associations across the country. The initiative has been popular and training attendance is high. They have a fundamental role as reference institutions recognised by local enterprises. More than 2,250 SMEs have been trained to date and obtained a qualification to Consip's public e-marketplace for low-value purchases through e-catalogues. The initiative has also changed the perception of Consip, which is seen as fostering business opportunities in a competitive and transparent environment.

The replication model of CONSIP consists of providing training to local associations of suppliers and subsequently allowing them to train the local companies. The geographical barriers no longer exist. Training helps expand business opportunities for both contracting authorities and suppliers, thus contributing to the creation of a "multiplication effect".

More information at: http://www.consip.it/en

https://www.oecd.org/governance/procurement/toolbox/search/supplier-training-desks-std-str-italy.pdf

- **Tools and support**

Example 28.   WORLD BANK – iNET iniative (procurement learning portal)

The World Bank has a long standing history in promoting procurement as a profession in countries around the world and within the Bank. Recently, it has elaborated a new procurement policy framework built around several initiatives. One of these initiatives consists in the outreach to public procurement experts to facilitate knowledge exchange through the Information, Network, Education, Transaction in procurement (iNET), among other initiatives.

The education component of iNET aims to provide affordable and quality learning opportunities for procurement practitioners, as well as students who want to pursue a career in public procurement. The World Bank, together with the Charter for Public Procurement Studies (CPPS), has launched a procurement learning portal, Procurement iNET.

Through this learning portal, many learning courses and networking opportunities are offered for procurement professionals around the world. The Certificate Program in Public Procurement (CPPP) is the first in the series of Massive Open Online Courses (MOOC) offered free online.

The course includes a mix of e-learning, self-study and social learning and is available in 6 languages. It is organised around the three following modules:

- Introduction to public procurement including management concepts and techniques;

- Public procurement operations; and

- Policy architecture in public procurement.

At the end of each module an assessment has to be completed. Upon completion of the three modules, a certificate is delivered to users who have achieved a score of over 60%. The CPPP foresees a commitment of 13 weeks and any person interested in the training can register to participate.

The second programme proposed on the portal is the Certificate Programme in Contract Management (CPCM), which has the objective to provide an in-depth knowledge and understanding of contract management principles and good practices. The structure of the programme follows the contract management lifecycle, i.e. from planning and resource management, to managing risk and managing performance. The assessment structure is similar to the CPPP programme.

The third and last programme offered is the Diploma in Public Procurement and is reserved to South Asian countries.

More information at: www.procurementlearning.org

➔4.d. Drawing benefits from academic cooperation and research

The Member States could draw benefits from the knowledge already existing in the academic field by fostering academic cooperation and research in the area of public procurement. This could be achieved through establishing sustainable partnerships; providing assistance to academic staff for obtaining internal and external funding; acting as interface between academic and administrative partners; develop research programs in the area of public procurement with special focus on improving employability through acquiring teaching, research and project management skills. Universities can also involve public procurement practitioners from both the private sector and the public sector.

- **Examples and case studies:**

Example 29. UNITED KINGDOM – The role of universities in enhancing efficiency of procurement, pulling together various professions

The School of Law of the University of Nottingham offers an *Executive Programme on Public Procurement Law and Policy* aimed at providing policy makers, procurement practitioners, lawyers and researchers/academics with a thorough knowledge of international and EU public procurement law and policy.

Universities can act as knowledge-multipliers by bringing together professionals from private practice, the public sector and academia. In that context, the University of Nottingham's educational offer, through the use of e-learning methods combined with (optional) intensive teaching days, has attracted PP practitioners from both within the UK and the EU, as well as from international organisations and third countries. The knowledge conveyed to public procurement practitioners through dedicated public procurement educational programmes can help promote a consistent, professional approach to how PP practice is carried out and further the attractiveness of PP careers.

The School of Law of the University of Nottingham has set up a research group, the Public Procurement Research Group (PPRG). The PPRG conducts research in all areas of PP, including: EU Public Procurement Law and Policy, the UNCITRAL Model Law on Procurement, Humanitarian and Development Procurement, Corruption and Public Procurement, Government Procurement in the WTO, Defence and Strategic Procurement.

The PPRG offers an Executive Programme in Public Procurement Law and Policy furnishing participants with a deep grasp of the legal public procurement framework at international (UNCITRAL, WTO, development banks), European and national (UK) level.

More information at : https://www.nottingham.ac.uk/pgstudy/courses/law/public-procurement-law-and-policy-llm.aspx

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> **Recommendation 5**
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> Member States should also develop and support the uptake by contracting authorities/entities of **sound human resources management, career planning and motivational schemes specific to the procurement functions** aiming to attract and retain qualified staff to procurement and encouraging practitioners to deliver better quality and a more strategic approach in public procurement, such as:
>
> a) **recognition and/or certification** schemes which properly identify and reward procurement functions;
>
> b) **career structures, institutional incentives** and political support to deliver better outcomes; and
>
> c) **excellence awards** to promote good practices in areas such as innovation, green and socially responsible public procurement or anticorruption.

➔ 5.a. Career structures, offering recognition and/or certification schemes

Considering that 'public procurement practitioner' is not an independent profession in the labour market, some Member States implement and promote certification schemes as a validation mechanism to ensure that the people in charge of performing procurement tasks possess the necessary skills and competencies commensurate to their responsibilities, and as an incentive to fully commit to skills development and continuous learning.

The recognition and certifications could be achieved by attending a standardised training. In some Member States, obtaining a certification can be set as a pre-condition for being allowed to carry out the job. In some cases, Member States do not require that every procurer is certified but that at least one certified practitioner validates a procurement procedure.

It should be noted however that is not the purpose of this initiative to propose the creation of a formally regulated (or self-regulated) profession such as doctors or lawyers. On the contrary, the purpose of this initiative is the overall improvement of the competences of public buyers covering the full scope of the work of procurement officers who are involved in any stage of the procurement process, from the identification of needs through to contract management, be they in the central or decentralised administrations or institutions, in roles specifically defined as procurement related or merely responsible for certain tasks related to procurement.

- **Examples and Case Studies:**

Example 30.   CROATIA – Certifying procurement practitioners

In the context of accession to the EU, Croatia recognised the need for large-scale capacity building in public procurement, as the majority of its public administration staff had limited knowledge about public procurement legislation. Furthermore, Croatia's geographic fragmentation posed a barrier to a capacity building effort delivered by a central institution.

To address these challenges, the Ministry of the Economy, Small Entrepreneurship and Crafts launched a certification scheme for procurement practitioners to be implemented nation-wide. The scheme aimed at creating a critical mass of people that are knowledgeable about procurement laws, bylaws, and rules for the implementation of EU funds. Essentially, **the Croatian procurement law requires that for any public procurement procedure falling above** EUR 26,000 (services and goods) or EUR 66,000 (works) – i.e.: the national thresholds for the applicability of the PP Act - **a Public Procurement Committee must be nominated and it must always include at least one certified procurement practitioner**. The members of the Committee do not need to be employees of the contracting authority, but at least one of the members needs to have a valid Certificate in the area of Public Procurement. Therefore, a contracting authority is not required to have a certified procurer on its payroll at all times, but can request the services of a certified procurer on an ad-hoc basis.

To be certified, a civil servant must go through a 50-hour training, which covers the main elements of procurement legislation and practice. At the end of the training, there is a test to obtain the certification of procurement practitioner, which is valid for three years. Approximately 75% of those who take the exam receive the certification. Furthermore, the certified procurer may obtain 32 hours of additional education to enhance his skills and ensure further renewal of the certification. The main certification costs EUR 500, while the additional course costs EUR 150. After the three-year period, the certification is renewed on the basis of a request.

The role of the certified procurer is to be involved in all the steps of the procedure, keep track of other people involved in the procurement, and make sure that the procedure is conducted correctly. While there is no personal responsibility, the certified practitioner faces a reputational risk in case of misdemeanour proceedings launched against the contracting authority and its responsible representative.

The Ministry of the Economy, Small Entrepreneurship and Crafts is responsible for certifying the trainers, who in turn train the certified procurers. Training providers can come from the private or public sector. The Ministry is also responsible for making sure that procurement procedures have in fact included a certified practitioner. To do so, the Ministry conduct regular checks. In case the rules are not enforced, the contracting authority as well as its responsible representative is fined.

Since the introduction of the good practice, a network of 5,000 certified procurers has mushroomed. Among these 5,000, around 35 certified procurers have established themselves as high-profile experts and are in high demand. Furthermore, the certification has spurred the creation of a new profession, as certified practitioner may exercise their function as external consultants.

More information at : http://www.javnanabava.hr/

Example 31.   AUSTRIA – Certificate of public procurement professional

When joining the BBG, all employees are enrolled in a 2.5 years training programme, which provides a 'certificate of certified public procurement professional' at the end of curriculum.

To bring new employees up to speed, the BBG Academy designed an initial 10-day onboarding programme, which provides the essential skills for newly recruited employees to start their job. Following the onboarding, employees follow the main 40 hours training programme, which is divided into a basic and an advanced curriculum, and culminates with the receipt of the **certification of public procurement professional**. To obtain the certificate, employees have to draft a final paper and to defend their thesis in front of the BBG's management and training partners.

More information at http://www.bbg.gv.at/

- **Tools and support:**

Example 32. CIPS - Chartered Institute of Procurement and Supply – A professional accreditation system

The Chartered Institute of Procurement and Supply (CIPS) is a global organisation dedicated to promoting best practice in the area of procurement and supply. CIPS champions the raising of standards in the profession through professional accreditation, culminating in full membership of CIPS allowing to use the designatory letters: MCIPS which can be achieved through:

1. CIPS professional qualifications:

> CIPS offers five qualifications to support professional development in procurement and supply management. These qualifications appear on the Register of Regulated Qualifications in UK.

> There are no entry requirements for the qualifications at Certificate or Advanced certificate level. However, to start at Diploma level qualification, which is the highest entry point, it requires a minimum of at least two A-levels (or international equivalent) or a CIPS Certificate qualification. Alternatively candidates need a minimum of two years' experience in a business environment.

> Candidates may apply for MCIPS on successful completion of the Diploma, Advanced and Professional diplomas and in conjunction with three years' experience in a role of responsibility in procurement and supply management.

2. CIPS accredited degrees and programmes:

> CIPS collaborates with a number of universities (e.g. Nottingham), contracting authorities/entities and public organisations in UK, to accredit suitable programmes.

3. The Management Entry Route (MER) for senior professionals:

> MER is designed for procurement professionals who are already operating in a senior strategic role within procurement or supply chain management. Their experience, knowledge and responsibility are assessed through an online questionnaire and a competency-based telephone interview.

4. The CIPS Corporate Award for groups of professionals within a company:

> It is a practical, accredited and applied training programme in procurement and supply that is contextualised to the business environment and offers a professional route to MCIPS (membership grade). UNDP procurement certification courses are accredited by the Chartered Institute of Procurement and Supply (CIPS) assuring compliance with high international qualification standards as well as offering participants access to a world-wide community of procurement professionals:

> http://www.undp.org/content/undp/en/home/operations/procurement/procurement-training.html

More information at: www.cips.org/

➔ 5.b. Career structures, institutional incentives and political support to deliver better outcomes

A career structure with well identified tasks, roles and functions may help assessing needed skills and designing the relevant trainings. Furthermore, it may enhance the profile and attractiveness of the procurement careers, thus attracting and retaining skilled and experienced professionals and reducing turnover.

The development of professional incentives among the staff of contracting authorities/entities should be initiated and encouraged to ensure the implementation of these schemes at institutional level.

Some Member States develop and implement recruitment policies aimed at attracting and retaining qualified staff through recognition and adequate remuneration as part of wider incentives and motivation schemes, as well as senior and mentoring programmes.

- **<u>Examples and Case Studies:</u>**

Example 33.   MALTA – Shaping careers in Public Procurement

Ministerial Procurement Units (MPUs) are bodies established under each Ministry and which processes, publishes, administers and recommends the award/cancellation of a call for tenders. The creation of MPUs is envisaged in the Maltese Public Procurement Regulations.

Following the introduction of the MPUs, **new job opportunities** within the public procurement sector have been created.

A Ministerial Procurement Unit is composed of 4 types of posts corresponding to a defined level. This offers **career progress** opportunities for the staff:

- ➢ Assistant Director Procurement (Scale 5)
- ➢ Procurement Manager (Scale 7)
- ➢ Procurement Officer (Scale 9)
- ➢ Procurement Support Officers (Scale 11)

More information at: http://www.contracts.gov.mt

Example 34.   FRANCE – Public procurement career management in the health sector

In terms of career management, attractive remuneration does not constitute an incentive for RESAH's employees considering that the organisation has limited budget. However, what is attractive is the chance to quickly acquire managerial skills and to get promoted. Other public administrations are hiring buyers from their organisation.

More information at: http://www.resah.fr/

> **Example 35. AUSTRIA – Career development opportunities through dedicated trainings and certification**
>
> BBG focuses on continuous learning throughout a procurer's career. Indeed, practitioners at the BBG regularly assess their own competencies with a view of identifying gaps in their training needs. Based on the self-assessment and the evaluation of the employee's line manager, an ad hoc training plan is set up for each buyer.
>
> The qualification obtained at the PP Academy – after successfully completing the 2 and a half years training programme – is recognized by other Contracting Authorities. As a consequence, their staff is often hired by other institutions after graduating from the Academy which enhances their career development. Both the training at the PP Academy and the attractive salaries are incentives for their employees to constantly improve their skills in order to perform better.
>
> **More information at: http://www.bbg.gv.at/**

➔ 5.c. Honorific rewards, such as excellence awards

In order to attract qualified staff and motivate them to deliver the best results, the Member States should seek to recognize organisations or individuals who excel in the field of public procurement, by setting-up honorific reward schemes, such as excellence awards.

This could also be a way of identifying and promoting good practices in different areas aiming to achieve specific policy goals such as innovation or anticorruption, and to improve the reputation of public procurement profession.

- **<u>Examples and Case Studies:</u>**

> **Example 36. PROCURA+ AWARDS – Excellence awards for innovative and sustainable public procurement**
>
> Procura+ is a a network of European public authorities from different nations (Belgium, Denmark, Finland, France, Germany, Italy, Iceland, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom) which conducts activities on sustainable and innovation public procurement.
>
> Procura+ Awards highlight three categories: sustainable and innovation procurements and tender procedures, giving visibility to the most dynamic, forward-looking and innovative public authorities and their initiatives. The procured solutions will have a strong potential for replication and scaling up and will be an excellent showcase in using sustainable and innovation procurement instruments to purchase cutting edge solutions.
>
> **More information at: http://www.procuraplus.org/awards/**

Recommendation 6

Member States should encourage and support the **development and uptake of** accessible **IT tools** which can simplify and improve the functioning of procurement systems such as:

a) **enabling** access to information by creating **single online portals**;

b) developing **IT tools with corresponding training**, (e.g. for economies of scale, energy efficiency or team working), or supporting corresponding market driven solutions; and

c) promoting a strategic approach to digitalisation by promoting **standardisation, sharing and reuse and interoperability of products and services** particularly through using existing IT solutions available at EU level[3], as well as contributing to developing instruments such as an online catalogue of ICT standards for procurement.

➔ 6.a. Access to information through single online portals

A one-stop shop procurement portal is a single gateway offering access to multiple public procurement support services to contracting authorities and economic operators. The rationale for setting up a one-stop shop is to facilitate access to guidance and model documentation, legal information, provide regular updates, links to dedicated helpdesks or e-procurement environments, on-the-spot consultations, and periodic newsletters. The value of a one-stop shop lies in eliminating the need for practitioners to navigate multiple websites and formats to find the help or information they need. Having it all in one place also makes it easier for users to locate the right source of information verified by the official authorities, rather than relying on outside providers.

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[3] Among others: the Single Digital Gateway and Connecting Europe Digital Service Infrastructure Building Blocks (eIdentity, eSignature, eDelivery, eInvoicing).

- **Examples and case studies:**

Example 37.   POLAND – One-stop shop procurement portal / repository of knowledge

Currently employing 130 members, the PPO is organised around seven units namely a legal department, an ad hoc control department, a control department for contracts co-financed by EU funds, an EU and international cooperation department, an information, education and system analysis department, an appeals department, an organisational and financial department and an independent department for internal audit.

The PPO portal therefore plays a central role in procurement policy making and coordinating the whole procurement domestic system. The PPO portal is a comprehensive one-stop-shop providing public procurement practitioners with complete information gathered in one single website. The orientation given by the PPO to the one-stop shop is rather educational and with a view to professionalisation of procurers. It acts as a repository of knowledge providing access to a comprehensive database of guidance material on specific topics and good practices, model documentation and templates guidelines, European and national legislation and legal interpretations, and overview of public administration projects. In addition, it provides direct links to the Polish appeal body (KIO) and Polish e-services including e-notices websites BZP and TED, e-auctions websites, e-bidding and e-catalogues, as well as SIMAP and e-CERTIS, the Internal Market Information System (IMI), CPV and CPC, FTP Server, inter alia.

More information at: www.uzp.gov.plwww.uzp.gov.pl/en/structure

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Example 38.   THE NETHERLANDS - PIANOo one-stop shop

The Public Procurement Expertise Centre (PIANOo) of the Ministry of Economic Affairs operates a one-stop shop called the Dutch Public Procurement Expertise Centre which centralises a large amount of information related to procurement and tendering. PIANOo is recognised as the main website for procurement and tendering in the public sector, gathering reliable, accruable and up-to-date information. Public procurement practitioners use the website to share information and good practices. Among the different information services offered by PIANOo there is a biweekly procurement e-newsletter, a weekly legal review and summary of case law, model templates, and online tools under the same umbrella. On average, the one-stop-shop receives 50,000 visits and around 13,500 contents are downloaded each month.

In addition, the platform provides direct access to PIANOo forum, a community of 1,600 procurement professionals, and to TenderNed, the Dutch's government online tendering system. Online material including an innovation procurement toolbox, factsheets on various procurement subjects, and sector-specific guidance are also available as well as a dedicated Q&A section.

More information at: https://www.pianoo.nl/public-procurement-in-the-netherlands

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- **Tools and support:**

Example 39.   EUROPEAN COMMISSION – Single Digital Gateway

The European Commission has put forward a proposal to set up a *Single Digital Gateway* in May 2017, a user friendly information system for citizens and business" on all matters related to the Single Market (not specifically dedicated to public procurement).

The key objective of the Single Digital Gateway is to develop a comprehensive and high quality information package that will include assistance, problem-solving services and electronic procedures for businesses that wish to develop cross-border activities throughout the Single Market. Its aim is to make it easier for people and companies to manage their paperwork online in their home country or when working, living or doing business in another EU country and it will help ensure that commonly agreed EU rules are respected. Among others, according to the "once-only" principle, important documents will only need to be submitted once and then available to be reused in other national procedures at the request of the user. The Single Digital Gateway builds on and improves existing tools and services such as the Points of Single Contact, Product Contact Points, Construction Contact Points, the Your Europe portal and SOLVIT, at both European and national level. It should be operational by 2020.

More information at: https://ec.europa.eu/info/law/better-regulation/initiatives/com-2017-256-0_en

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➔ 6.b. Development of IT tools with corresponding training

In order to ensure the uptake of e-procurement tools which can help contracting authorities/entities conduct tendering procedures in a more transparent, efficient and simplified manner, a comprehensive e-procurement strategy is needed. The first pillar of an e-procurement strategy is to conduct an assessment of the weakness and pitfalls related to the use (or lack of) of e-procurement tools, and ensuing necessary improvements (such as user-centricity), identifying the potential benefits and the desired objectives deriving from a greater and better use of such tools.

The second pillar of any e-procurement strategy is to draw a plan for increasing the administrative capacity of contracting authorities/entities as regards e-procurement at individual level, consisting of trainings targeted at different segments of the public procurement function. In particular, trainings should reflect the focus of the e-procurement strategy on the different actors involved: practitioners requiring minimal e-procurement skills, officials demanding a thorough use of e-procurement tools, or, for instance, SMEs not familiar enough with electronic tendering procedures.

The third pillar would be the need for a solid leadership and political support willing to embrace the changes proposed and support actors at the end of the administrative chain – i.e. contracting authorities/entities and their staff – so they can undertake a certain degree of risk and experiment with different possible solutions.

Overall, any professionalisation strategy for e-procurement should revolve around increasing the capacity of the organisation and their staff and ensuring a gradual uptake of processes and systems.

- **Examples and Case Studies:**

Example 40.   PORTUGAL – e-Procurement strategy for a more efficient procurement

Since 2008 Portugal has heralded the use of eProcurement in order to engage in a more efficient, cost-saving procurement. eSPap, the state's central purchasing body, has been using eProcurement as a way of ensuring sound contract management and a better assessment of the needs of contracting authorities. As a result, Portugal was the first Member State to make eProcurement mandatory in 2009 and since then eProcurement services cover the entire procurement value chain.

In 2007, as a result of an ambitious Restructuring Program targeting the central administration, the National System of Public Procurement and the National Agency for Public Procurement – the predecessor of eSPap – were created. The new centralised procurement system constituted the cornerstone of a new strategy aiming at professionalising procurement and ensuring adequate assessment of the needs of contracting authorities, as well as proper contract management.

The implementation of this strategy relied on several actions focused on different aspects of e-procurement such as:

- Creation of an interoperable eTendering platform;

- Development of an eCatalogue with standardised products and services;

- Aggregation of demand through framework agreements;

- Encouraging the roll out of end-to-end eProcurement (from e-sourcing to e-payment);

- Establishment of a management information system for improved data collection;

- Training of public procurement practitioners on the novelties of the new system and tools.

Among the benefits stemming from the implementation of the national e-procurement strategy, eSPap identified: 1) efficiency gains and optimised contract management; 2) overall improved corporate policy architecture; 3) shift to a more strategic decision-making model; and 4) enhanced transparency and integrity.

Moreover, the transition required: 1) a high initial investment in interoperable IT system and tools; 2) adequate training for the end-users of such tools; 3) a thorough assessment of the needs to be fulfilled with the implementation of the new e-procurement solutions; and, most important, 4) a cultural/mentality change on the part of both managers and end-users.

More information: https://www.espap.pt/en/Pages/Home.aspx

➔ 6.c. Standardisation, sharing and reuse and interoperability of products and services

The Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation encourages public authorities to make the best use of the full range of relevant technical specifications when procuring digital goods and services, allowing for more competition and reduced risk of lock-in (see in particular article 13 on the use of technical specifications in procurement). Furthermore, the European Commission's Implementation Strategy for the European Interoperability Framework, part of

the Communication (COM(2017)134) adopted in March 2017, recommends public authorities to develop cross-cutting coordination of interoperability and to give preference to open ICT specifications.

Moreover, complex, technical procurement demands a thorough understanding of drafting of technical specifications on the side of contracting authorities/entities, particularly in what concerns ICT solutions. Very often, contracting authorities/entities adopt a short-sighted approach only focused on the lowest price may result, resulting in unforeseen additional costs associated with a lack or a low level of reusability and interoperability and the prevalence of vendor lock-in. Together with lock-in, the lack of interoperability hinders competition between suppliers and accounts for € 1.1 billion per year loss in the public sector.

In this context, interoperability refers to the ability of multiple and disparate organisations' databases to freely and securely exchange and re-use data between their respective systems. Interoperability is therefore crucial for, firstly, improving the procurement process itself – i.e. by ensuring e-procurement platforms and other government databases (criminal records registry, tax registry and business registry, inter alia) are linked and allow for sharing of data; and, secondly, ensuring the sustainability of the goods and services purchased. To the extent such exchange and re-use relate to personal data, it must respect the fundamental right to the protection of such data of individuals concerned and be in line with relevant data protection legislation.

The reasons for establishing interoperability between e-procurement systems and other relevant databases are manifold. Firstly, linking e-procurement platforms to public registries allows the e-procurement system to auto-fill different sections of a tender document using data contained in these registers. For instance, linking the e-submission platform to the business registry allows automatically retrieving the business identifier and inputting it in the e-submission form. Doing so saves time for economic operators and reduces the risk of errors in data entry. Mention should be made as well of the now functioning interconnection of European business registers (BRIS), which allows easily verifying official information about companies registered in business registers across the EU and the EEA, for example the details on who can legally represent the company. This system is a joint effort of the Commission and the Member States to increase confidence and transparency in the EU Single Market.[4]

Secondly, interoperability provides a way to quickly check whether the economic operator meets certain requirement to participate in a certain bid and is eligible to be awarded a contract. Indeed, connecting the e-procurement platform to the criminal record and tax registries allows verifying that the economic operator has actually paid taxes and does not have a criminal record. In this case, interoperability acts as a tool for applying selection and exclusion criteria to an economic operator.

Thirdly, in some cases interoperability allows to detect errors in data already contained in other government databases, and correct it, thereby ensuring better consistency of information.

Fourthly, interoperability must be a vital feature of purchased goods and services, and in particular digital solutions. In a world where technologies evolve rapidly, interoperability is the way to guarantee the sustainability of purchases.

Hence, a comprehensive approach to standardisation enables for mutual recognition between different solutions and facilitates the establishment of cross-border services. The added value of standardisation is paramount in the case of public procurement of ICT solutions. The

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[4] https://e-justice.europa.eu/content_find_a_company-489-en.do
https://e-justice.europa.eu/content_find_a_company-489-EU-maximize-en.do?idSubpage=1&member=1

delivery of services across borders needs rules and these rules should crystallise in the form of standards, not only for digital solutions but as well as for other products and services – i.e. eco-labels for sustainable products.

Use of standards saves costs but also creates potential synergies between digital solutions. To be efficient and address current societal challenges through public procurement, contracting authorities/entities must rely on cross-cutting standards such as standards for accessibility, security, privacy and protection of personal data, or environmental sustainability and on technical specifications commonly agreed at EU level such as specifications for eIdentity, eSignature, eDelivery, eInvoicing, eSubmission.

- **Examples and Case Studies:**

Example 41.   ESTONIA – Interoperability of the e-procurement environment with the e-Government portal

Estonia is widely considered as one of the world's most advanced and experienced countries as regards digital society developments. Indeed, Estonia fully took advantage of opportunities offered by the rapid development of the internet and created a 100% e-Government offering a range of e-services aimed at facilitating the life and work of Estonian citizens and businesses. 99% of state services are now delivered online.

The Estonian conceptual model of e-services was designed in 1998 and realised in 2001 thanks to the data exchange layer X-Road of information systems. X-road is a technical and organisational environment that enables organising a secure data exchange between state databases on the one hand, and between institutions and persons on the other hand. Moreover, X-road enables the organisation of persons' access to the data stored and processed in state databases. The use of X-road has been made mandatory by the Estonian Government as per the Public Information Act of 2007 and the government's resolution Data Exchange Layer of Information Systems. In addition, X-Road helped designing the conceptual model of the European Interoperability framework.

Since 2007, Estonia's e-procurement system is also interoperable via X-road. It is primarily linked to the national criminal database, the national business register, the national tax registry, the register of economic activities and Tallinn's local tax registry. The e-procurement system offers an innovative working space for contracting authorities/entities and economic operators, consisting both of a procurement information portal and an e-procurement platform allowing for the full e-procurement cycle to happen within the same environment. With the help of the bidder's registration number it is possible to make inquiries to other state databases, for example to check a bidder's tax payments, operating licences, status, authorized persons, annual accounts or criminal records.

Among the main benefits brought by interoperability in Estonia is the promotion of the 'once and only once' principle, lower costs for contracting authorities/entities and suppliers, ensuring a 100% uptake of use of e-procurement tools for e-notification, e-access and e-submission, and increased transparency and traceability. The Estonian Government is planning to add new links allowing for instance to check the average wages paid in a certain field of activity in order to exclude bids that are abnormally low. Furthermore, it is planned that by 2018, a dynamic purchasing system and an e-catalogue will be established.

More information at: https://www.rahandusministeerium.ee/et/riigihangete-poliitika

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Example 42.   PORTUGAL – Interoperability of BASE portal with e-procurement platforms

E-procurement in Portugal is highly developed and displays a high level of adoption due to concerted efforts since 2008 by the Portuguese Government to develop a comprehensive national e-procurement infrastructure. Notably, the 2008 Portuguese Public Contracts Code (PCC) established the framework for all procurements to be conducted using electronic means.

E-procurement in Portugal diverges from its EU peers because its system relies exclusively on privately run e-procurement platforms, which compete against each other to offer e-procurement services to contracting authorities/entities. Currently, there are five e-procurement platforms certified by the Management Centre for the Government Electronic Network (CEGER). These platforms are linked to central public contracts registry portal called BASE.

BASE contract registry was launched on 30 July 2008 and is managed by the Institute for Public Procurement, Construction and Real Estate (IMPIC). It acts as a single point of access for public procurements, centralises and records information on procurement procedures carried out via the different e-procurement platforms, and on the performance of contracts. Being linked to each licensed e-procurement platforms, BASE receives information from the pre-award and post-award phase of the contracts. The information collected and published on the portal therefore includes calls for tenders, tender applications, receipts and evaluations of tenders, and information on the performance of contracts.

The main benefits of the interoperability between BASE portal and the five e-procurement platforms include:

- ✓ More effective, efficient and transparent procedures;
- ✓ Accessibility to any procedures, at any time and from anywhere;
- ✓ A record of purchasing behaviour which facilitates forecast of futures expenses and costs;
- ✓ Streamlining of public administration procedures.

Portugal is planning to increase interoperability amongst its public administration information systems by creating a national platform of public suppliers. This platform will be developed by IMPIC, and will use interoperability available in Agency for Modernisation of Administration (AMA), and in other public services. It will serve to record more attributes of suppliers as it will be linked to the tax authority, social security and justice registers. Suppliers' information will be further stored into a central registry of procurement documents therefore allowing to respect the 'once and only once principle'. Expected benefits from increased interoperability in Portugal include auto-fill functionality of procurement applications via e-procurement platforms, verification of bidders' information, and winners' compliance checks in meeting eligibility requirements.

More information at: http://www.base.gov.pt/Base/pt/Homepage

- **Tools and support:**

Example 43. EUROPEAN COMMISSION – Supporting the development of a Building Information Modelling (BIM) Handbook

In 2017 the European Commission published a *Handbook for the introduction of BIM into the European public sector*. This Handbook has been developed by the EU BIM Task Group, which is supported by the European Commission, and it aims at providing comprehensive guidance and recommendation for the implementation of BIM across the European public sector landscape.

BIM stands for "Building Information Modelling' and refers to a digital form of construction and asset management. BIM helps bring together technology, process improvements and digital information through a collaborative methodology to radically improve management of construction and civil engineering projects, thus supporting innovation and efficiency in the construction sector. Several Member States have adopted this approach and have financed different projects aimed at implementing BIM methodology.

BIM incorporates different dimensions complementary to the traditional working methods, such as information on geometrics (3D), time (4D), costs (5D), environment (6D) and management (7D). BIM's potential goes beyond the design phase, also covering project execution and the whole life-cycle of the building, therefore enabling for a more efficient information management and a reduction of failure and transaction costs. BIM's benefits can be further exploited by the use of open standards and standardisation.

The purpose of this Handbook is to support a European wide common strategic approach for the introduction of BIM and encourage the public sector to spearhead the use of this particular methodology among economic operators, particularly SMEs. The introduction of BIM will improve the overall productivity of the construction sector and help achieve better value for money. However, governments cannot pursue this goal alone: working together with industry at European and national levels is essential to achieve this digital transformation with due consideration given to commercial models, education, skills development, SMEs and changes to current practices.

In that regard, the Handbook calls for coordinated public sector action across both European and national levels in order to ease the transition costs for economic operators and contracting authorities/entities.

More information at: http://www.eubim.eu/handbook/

Example 44. EUROPEAN COMMISSION – EU Catalogue of ICT technical specifications

The EU Regulation on European Standardisation[5] encourages public authorities to make the best use of the full range of relevant technical specifications when procuring digital goods and services, allowing for more competition and reduced risk of lock-in. Moreover, the European Interoperability Framework recommends to public authorities to developing cross-cutting coordination of interoperability and to give preference to open ICT technical specifications.

In that regard, the European Commission supports digitalisation by means of a European Catalogue of ICT standards for public procurement. Focusing on the technological aspects of professionalisation of ICT public procurement, the European Catalogue of ICT standards for public procurement will streamline guidance on using standards, therefore guaranteeing interoperability and avoiding vendor lock-in in different areas – i.e.: eGovernment, cloud computing, electronic tolling systems, energy sectors, inter alia.

Moreover, the European Catalogue will contribute to these objectives by offering a one-stop-shop for contracting authorities/entities with guidelines for procurement, including on vendor lock-in, on the use of standards, and a lifecycle costing scheme that accounts for the often neglected interoperability costs. It will streamline the numerous guidelines and provide for a platform of exchange and dissemination. Member States will be able to contribute to the development of standardised technical specifications as part of the Catalogue.

More information at: https://joinup.ec.europa.eu/community/european_catalogue/description

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[5] Regulation (EU) no 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC andDirectives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council.

> **Recommendation 7**
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> Member States should **support and promote integrity, at individual and institutional level, as an intrinsic part of professional conduct**, by providing tools to ensure compliance and transparency and guidance on prevention of irregularities, such as:
>
> a) establishing **codes of ethics** as well as charters for integrity;
>
> b) using **data on irregularities[6] as feedback to develop corresponding trainings** and guidance as well as to promote self-cleaning; and
>
> c) developing specific **guidance to prevent and detect fraud and corruption**, including through whistleblowing channels.

➔ 7.a. Code of ethics with minimum standards and charters for integrity

Corruption in public procurement harms the public interest, undermines public trust and has a negative impact on people's lives. However, tackling effectively corrupt and fraudulent activities is a challenging task and requires a complex approach. Civil society as effective anti-corruption actor can give a valuable input in promoting transparency, accountability and preventing corruption. Integrity in conducting public procurement should be promoted at individual level, with trainings, codes of ethics and appropriate incentives, as well as institutional level, so that contracting authorities themselves enact the appropriate tools and incentives.

In order to look for new innovative ways of preventing corrupt practices in projects funded by EU funds, the European Commission's Directorate-General for Regional and Urban Policy and Transparency International joined forces to develop different pilot projects for the establishment of integrity pacts. An 'integrity pact' is a contract between a contracting authority/entity and economic operators bidding for public contracts stating that they will abstain from corrupt practices and will conduct a transparent procurement process. Additional obligations may be included in the formal agreement, for instance regarding the disclosure of expenses paid out in connection with the contract or similar. The Integrity Pact defines a monitoring system including a process for establishing if the Pact has been violated and what sanctions apply. To ensure accountability and legitimacy, an independent third party monitor is further identified to verify that all parties comply with their commitments and the procurement process and to identify any potential red flags. Integrity Pacts (IP) have been developed by the NGO Transparency International since the 1990s to support governments, business and civil society in fighting corruption in public procurement.

This whole initiative aims to explore and promote the use of IP for safeguarding EU funds against fraud and corruption, and as a tool to increase transparency and accountability, enhance trust in authorities and government contracting, contribute to a good reputation of contracting authorities, bring cost savings and improve competition through better procurement. The experience from piloting Integrity Pacts will be shared and disseminated at the EU level.

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[6] While respecting the data protection legislation and the fundamental right to protection of personal data.

- **Examples and Case Studies:**

Example 45.   ITALY – Integrity Pacts in public procurement

While there are a number of standard parameters to an Integrity Pact, the tool is adaptable to local circumstances.In Italy, for instance, Integrity Pacts have been piloted in the City of Milan since 1992, subsequent to the major bribery scandals Tangentopoli. Integrity Pacts take the form of a clause within tender documents, to which each tenderer needs to adhere. If a bidder fails to do so, it is automatically excluded from the procedure. In Milan, Integrity Pacts have supported the exclusion of companies on the grounds of so-called 'substantial links'. If a 'substantial link' exists, it means that companies bidding for the same contract are formally autonomous but actually are linked to the same owner. Over 2002-2013, 164 companies were excluded from procurement in Milan. Furthermore, the Italian Anti-Corruption Law (190/2012) formalised the legal basis for the use of Integrity Pacts by specifying that non-compliance with their provisions constitutes grounds for exclusion from the bid.

More information at: https://www.transparency.it/

➔ 7.b. Using data on irregularities to develop guidance and trainings

Some Member States actively use data from the auditing and review processes in order to inform their training and guidance policies. Other sources can be used also at the level of contracting authorities themselves such as feedback channels for economic operators that represent a formal and structured mechanism by which economic operators can, either anonymously or not, express their concerns to contracting authorities/entities or to a specific unit in charge of the feedback channel management on poor practices and processes or issues encountered in participating in procurement procedures, and make suggestions for improvement.

Putting in place feedback mechanism contributes to continuous qualitative monitoring of procurement processes through the lenses of economic operators. Namely, economic operators can raise deficiencies and/or inefficiencies in the procurement system, as well as flag unfair treatment by contracting authorities/entities. Via feedback channels, economic operators can also make suggestions as to how improving the way public procurement procedures are conducted, which further helps monitoring authorities.

The objective of using data on irregularities and other feedback channels is primarily to improve the quality and efficiency of public procurement procedures. This results in increased transparency in procurement procedures, more accountability of contracting authorities in conducting them, and ultimately a higher number of small businesses bidding for public tenders.

To increase the integrity of public procurement, some Member States have introduced a mechanism of voluntary oversight of procurement procedures, whereby a third party oversees a selected number of procurements in collaboration with the contracting authority/entity conducting the procurements at stake. The precise scope of oversight activities may be decided on a case-by-case basis, but generally include legality, transparency, and efficiency of procurement. The goal of this oversight mechanism is mainly to prevent and deter corrupt practices in procurement. It is used especially for high-risk procurement, e.g. major works

projects, where an additional layer of control is needed to ensure that public funds are handled correctly.

In some Member States, voluntary oversight is conducted by national oversight authorities, which are called for support by contracting authorities/entities, in case they consider that a procurement procedure may be at risk of corruption. In other Member States, civil society may act as the overseeing party. In a voluntary oversight mechanism, the supplier may be involved, too, by formally committing to abstain from unlawful practices. If this formal agreement is not met, sanctions follow suit.

Voluntary oversight typically entails ex-ante controls of tender documents performed by the third party in order to verify their legality. The controls are based on a pre-defined framework of check-lists and guidance, which allows conducting standardised verifications, on the one hand, and contributes to speedy controls, on the other hand. Within a set timeframe, the third party gives recommendations on the conduct of the procurement at hand, e.g. regarding the use of selection or award criteria. The contracting authority/entity may implement the recommendation by the overseeing body or provide additional information/clarification for its choices. Additionally, voluntary oversight may be used for monitoring two other areas of risk in public procurement, namely the set-up of contractual requirements for guaranteeing quality of execution and the performance of the contract itself.

The voluntary character of this oversight mechanism implies that there is greater collaboration among the institutions involved, which have a common interest to improve outcomes. Furthermore, the focus of voluntary oversight is on 'ex ante' prevention instead of 'ex post' sanction. This helps in bringing greater trust to the procurement process, in addition to reducing instances of non-transparent and unlawful practices as well as the amount of subsequent litigation. Furthermore, the presence of more stringent controls through voluntary oversight serves as a deterrent for abuse in procurement and contributes to the strengthening of trust in public authorities.

- **Examples and Case Studies:**

Example 46.   UNITED KINGDOM – Mystery Shopper Services

In 2011, the Prime Minister and the Ministry for the Cabinet Office implemented a series of measures to increase and facilitate the participation of SMEs in public procurement. One of these measures is a Mystery Shopper Service.

The purpose of the Mystery Shopper Service is to provide public procurement suppliers with a structured channel at the central level that economic operators can use to report on the quality of the contracting authorities' practices and escalate issues they may have experienced when participating in a procurement procedure. In particular, the Mystery Shopper Service helps in detecting practices that are not friendly to SMEs, provides recommendations to contracting authorities/entities and monitors their implementation. The Procurement Policy Note – Requirements for contracting authorities to assist with procurement investigations states the necessity for all contracting authorities subject to the Public Contracts Regulation 2015 and the Small Business Enterprise and Employment Act 2015 (SBEE Act) to cooperate with the Mystery Shopper Service in case they are subject to investigation, with the exceptions of certain bodies such as schools, healthcare services and bodies with devolved functions. Not all procurements fall within the scope and remit of the Mystery Shopper Service and can benefit from it. Some eligibility has to be met and requires that:

- The procurement procedure is not older than 2 years and has been conducted by the UK government or by an English contracting authority;

- The procurement procedure clearly showcases poor practices;

- The issue is of late payment nature;

- The issue concerns a situation between a supplier and a contracting authority or between a supplier and another supplier located upstream in the supply chain.

To make use of the Mystery Shopper Service, an economic operator needs to send a request that is first analysed by the Mystery Shopper team. If the request is deemed eligible, then it constitutes a case that will be investigated. Once the investigation has started and depending on the seriousness of the case, and whether the case is located at central or local level, the service will provide its help within two or three months. The team is rather small, thus in peak periods it has to prioritise cases according to the urgency or relevancy of the matter.

As regards the nature of the help that can be expected from the Mystery Shopper Service, it will depend at what stage of the procurement cycle the case refers. In case of ongoing procurement, the service usually provides recommendations to the contracting authority on how to address the matter but cannot require the delay or suspension of the procurement at stake. In case of an awarded contract and if the matter is not related to late payments, then the service will provide advice to the contracting authority for future reference. However, if the case is about late payments, then the service advocates on behalf of the economic operator.

In addition to educating contracting authorities through the provision of recommendations, the service conducts on-the-spot checks to verify whether a contracting authority previously investigated is properly applying the measures recommended. The Mystery Shopper Service also proactively verifies that contracting authorities use practices that are compliant with the various procurement policy notes prepared by the Crown Commercial Service and aimed facilitating SMEs participation in procurement.

Results of cases investigated are evaluated and published on the Mystery Shopper service webpage. Since its first year of operation, the service received the highest number of cases during the years 2013 and 2014. Since then, the service has experienced a reduction of cases. This could signal that

contracting authorities are changing their current practices toward economic operators and are using more SMEs friendly practices.

More information available at: https://www.gov.uk/government/publications/mystery-shopper-scope-and-remit

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Example 47.   ITALY – Collaborative supervision for preventive monitoring of procurement

A series of corruption scandals around the procurement process of the EXPO 2015 in Milan prompted Italy's National Anticorruption Authority (ANAC) to strongly intervene in order to safeguard the integrity of procurements related to the EXPO 2015 universal exhibition. Based on the EXPO experience in 2014-2015, whereby ANAC introduced a Special Operational Unit (UOS in Italian) tasked with 'ex ante' monitoring of procurement, the process of 'collaborative supervision' was set up as a new form of oversight in special cases. The goal of this oversight mechanism is to ensure adequate tendering and contract execution, as well as to prevent potential criminal infiltration in the procurement process.

In this process, the intervention of ANAC is not at own initiative but may be requested by the contracting authority/entity, in particular for priority procurement procedures, such as major events or large-scale infrastructure projects. This marks a cultural change, as collaborative supervision is focused on preventive action in reducing risks in the integrity of the procurement process, instead of sanctioning illicit behaviour ex post.

To start the process, ANAC and the contracting authority/entity establish a memorandum of understanding (MoU) defining the conditions and methods for implementing collaborative supervision. Then, the special operational unit carries out the ex ante controls on the basis of a predefined framework for controls, comprising the following elements:

- An operational guide;
- Seven checklists;
- Guidelines;
- Recommendations.

In order to minimise delays in the procurement procedure, the average period for each control performed by ANAC is approximately of five days.

Collaborative supervision proved to be an effective tool in quickly restoring confidence, transparency and legality in the procurement process during the EXPO 2015. Indeed, the UOS detected non-conformities and other issues in 109 procedures (72% of operations analysed), which led to amendments, corrections or additional clarifications for 107 of those procedures.

Beyond the EXPO experience, this mechanism appears to respond to a widespread need among contracting authorities/entities, as a number of them have already requested intervention from ANAC or are in the process of doing so.

More information at:

https://www.oecd.org/governance/procurement/toolbox/search/expo-milano-ex-ante-control-mechanism.pdf

Example 48.   MALTA – Monitoring of non-compliance in public procurement

The Department of Contracts (DoC), falling within the remit of the Ministry of Finance, operates as one of the central purchasing bodies in the Maltese public procurement system, with the task of regulating and administering public procurement initiatives and procedures. In pursuant to its competences, the DoC has established a Compliance and Monitoring Unit (CMU) with the objective of ensuring transparency and proper policy architecture in public procurement and promoting whistleblowing as well.

The CMU's tasks relate to the early identification of non-compliance situations and its correction. In that regard, it conducts regular monitoring of public procurement, including random spot checks of procurement procedures, although the latter being under implementation. Monitoring allows for early identification and correction of potential irregularities before the problem becomes recurrent, therefore causing the contracting authority/entity to be in non-compliance.

The investigations carried out by the CMU enable the DoC to garner the necessary information to conduct analysis and propose solutions. The solutions aim at the correction of the detected situations of non-compliance and typically may require broader policy changes or targeted recommendations at the level of the contracting authority/entity.

In the course of the past years, the Compliance and Monitoring Unit has intervened in more than 75 cases of non-compliance in 2015 and more than 80 in 2016.

More information at:
https://contracts.gov.mt/en/Resources/Documents/Addressing%20Fraud%20And%20Corruption%20In%20Public%20Procurement.pdf

Example 49. ROMANIA – PREVENT platform

As an autonomous administrative authority with exclusive competences on monitoring compliance of contracting authorities/entities with Romania's integrity framework, the National Integrity Agency (NIA) developed IT software aimed at establishing an ex-ante verification mechanism in order to prevent conflicts of interest in public procurement procedures.

PREVENT became a reality in 2013 when, following NIA's initiative, the Romanian Government adopted a Memorandum which was the keystone of this project. Subsequently, NIA identified the opportunity to finance PREVENT through the Operational Program 'Increase of Economic Competitiveness', particularly under the Priority Axis 3 'ICT for private and public sectors', securing financing worth of 7 million euros.

Afterwards, between 2014 and the end of June 2015, NIA has taken the necessary steps regarding the preparation of the system architecture in order to implement PREVENT, on one hand, while, on the other, proceed with the submission of the draft law enabling PREVENT to the Ministry of Justice for the Government's approval and endorsement. The software architecture was finished and implemented at the end of June 2015, while the law came into force almost a year and a half later, in October 2016.

Once fully operational, PREVENT will be able to extract data from the relevant databases in order to find any sort of relevant connections between members of a given contracting authority/entity and the shareholders/managers of bidding companies. Furthermore, PREVENT will issue integrity warnings upon which inspectors will be able to inform the parties involved in the public procurement procedure that there is a problem arising from a conflict of interest.

More information available at: https://www.integritate.eu/

Example 50. CZECH   REPUBLIC – ZINDEX - Benchmarking   for   contracting authorities/entities

ZIndex was introduced in 2010 with the aim of measuring the performance of public bodies operating with public money with regard to openness, competition and transparency in the way they conduct procurement procedures. The tool was developed by EconLab – formerly known as the Centre of Applied Economics – an NGO that works with the Institute of Economic Studies at Charles University in Prague. More specifically, ZIndex assesses the compliance of contracting authorities/entities of similar structure and purchase volume with pre-identified public procurement good practices by rating their level of transparency, efficiency and vulnerability to corruption.

ZIndex is useful for assessing contracting authorities/entities' performance, in particular by identifying pitfalls in the way procurement procedures are conducted and consequently improving procurement practices in line with identified good practices.

The methodology behind the tool relies on a set of 11 indicators that cover three concepts:

•   Openness: it reflects the level of contract accessibility to bidders and is measured through three indicators: public procurement share of total purchases, use of negotiated procedures without publication, and consistency of practices in managing the procurement process (e.g. rates of tender cancellations, amendments to contracts, etc);

•   Competition: it refers to the way and the frequency with which firms actually compete for a contract. It is measured through four indicators: winner concentration (i.e. share of contracts awarded to the same bidder), bidder participation, use of pro-competitive tools (e.g. e-auctions), and legal compliance;

•   Transparency: it refers to having procurement information public. Transparency is calculated on the basis of four indicators: official national journal data quality, contracting authority profile data quality, supplier rating, and information provision.

The data collected comes directly from public websites and government databases such as business and commercial registers, the State Treasury Depository, the Office for the Protection of Competition, contracting authorities/entities' websites, national official journal, as well as websites monitoring donations made to political parties. Data is also collected directly from contracting authorities/entities that responded to a request made pursuant the Freedom of Information Act. Such data concerns the volumes of small-scale contracts awarded and the number of purchases made using a dynamic purchasing system or carried out through a electronic marketplace.

The tool has proven to be successful in ranking municipalities in terms of public procurement openness, competition and transparency and is planned to be further used to rank other bodies such as hospitals and state-owned enterprises, as well as to publish related evaluation reports on a regular basis with the ultimate goal of incentivising public authorities to improve their procurement practices.

More information at: http://www.zindex.cz/en/

➔ 7.c. Developing specific guidance to help public buyers prevent and detect fraud and corruption

Considering the important share (at least 14%) of Member States' GDP spent in public procurement, the exposure and the costs incurred by corruption are huge.

There are various estimates on the costs of corruption. According to the European Commission's Anti-corruption Report (2014), there is no Member State immune from corruption which costs society in the EU around €120 billion per year (almost the whole EU budget). Specifically in public procurement, according to a 2013 study carried out in respect of only five economic sectors[7] and in only eight EU countries[8], the costs of corruption ranged from €1.4 billion to €2.2 billion. There are even higher estimates suggesting that the cost of corruption risks in EU public procurement are around €5bn per year overall, including most sub-sectors of public procurement and contracts of all EU Member States. Other studies point out that bribery in government procurement is estimated to be adding 10-20% to total contract costs[9].

Supporting public buyers with useful guidance on how to prevent and detect fraud and corruption in its various forms (i.a. conflicts of interests, kickbacks or bid rigging), would empower authorities to apply more effectively the integrity-enhancing mechanisms available in each Member State. It would not only result in significantly facilitating the enforcement on the ground, but also in direct benefits for the citizens who would get better value for money by eliminating or reducing the costs of corruption.

Raising awareness, providing training and guidance on various forms of wrongdoings is the first step towards empowering public procurement officials to themselves prevent such practices. It is the case in particular for whistleblower protection and setting up internal reporting channels which could contribute to the effectiveness of the system by increasing the probability that wrongdoing is reported.

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[7] Road and rail, water and waste, urban/utility construction, training, and research and development.
[8] France, Hungary, Italy, Lithuania, the Netherlands, Poland, Romania and Spain.
[9] Survey of the World Economic Forum and a study by Fazekas & Koscis (2015) using data for all sub-sectors and Member States from Tenders Electronic Daily (TED) for the years 2009-2014.

- **Examples and Case Studies:**

Example 51.   ITALY- Raising awareness amongst public administration employees about whistlebower protection

In Italy, some central and local public administrations implemented awareness raising activities in various ways.

➔ The Municipality of Milan was active in communicating to its employees via several means the internal whistleblowing procedure. The Municipality developed and published on its intranet internal guidelines to explain whistleblowing in general, as well as the procedure to use the IT system that was set up as internal channel of disclosure. About ten staff members of the Municipality worked on the development of these guidelines for two months. In addition, the Municipality added an explanatory note on whistleblower protection to the electronic version of the employees' payslips, and circulated information on whistleblowing via e-mail.

➔ The Municipality of Rome shared guidelines with its employees regarding how to make disclosures through the internal channel and the external channel of the National Anti-Corruption Authority. In addition, the employees were informed about the hotline setup by Transparency International Italy to report corruption.

More information at: https://www.transparency.it/
http://www.anticorruzione.it/portal/public/classic/

https://www.comune.milano.it/wps/portal/ist/it

Example 52.   IRELAND – Guidance on establishing internal channels of disclosure

Section 21(1) of Ireland's Protected Disclosures Act 2014(PDA 2014) states that, "Every public body shall establish and maintain procedures for the making of protected disclosures by workers who are or were employed by the public body and for dealing with such disclosures".

The Protected Disclosures Act 2014 provides statutory protections for workers in all sectors of the economy against reprisals in circumstances where they disclose information relating to wrongdoing that has come to their attention in the workplace. All public bodies are obliged under the Act to have internal procedures in place for dealing with protected disclosures and made available to their workers.

The Irish Department of Public Expenditure and Reform developed a guidance document for Public Bodies that includes a detailed analysis of protected disclosures procedures to be followed by public bodies. For instance, it clarifies what are the relevant wrongdoings that can be reported, and it gives guidance on the assessment of disclosures and investigation of the reported wrongdoing.

Given the wide range of public bodies in Ireland, the Guidance is not prescriptive in nature but sets out the main principles which each public body must take into account when establishing appropriate procedures for the making and receiving of disclosures.

The Guidance proposes that each public body should include a policy statement that confirms the organisation's commitment to creating a workplace culture that encourages workers to make protected disclosures.

More information at: http://www.per.gov.ie/en/protected-disclosures-act-2014-2/

Example 53.   GREECE - Guide on the detection and prevention of collusive practices in public procurement

In 2014, the Hellenic Competition Commission published a guide on the detection and prevention of collusive practices in public procurement (collusive tendering), focusing on structural and behavioural screens.

Although the guide is in principle addressed to contracting authorities, it is a useful tool also for undertakings participating in a tender process, since it highlights specific practices that may be considered anticompetitive and draw the associated consequences. In this sense, the guide may be used by tenderers not only to self regulate, but also to scrutinize and denounce the behaviour of other candidates and thus assist competition authorities in detecting cartel activity.

The Guide is written in simple and non-technical language and includes numerous examples and references to case law, in order to assist procurement professionals, especially those without any prior knowledge of competition issues, to understand cartel behaviour in public tenders.

- In sections 1 and 2, the Guide introduces readers to anticompetitive conduct in public tenders and to the benefits for consumers of effective competition in this field.

- Section 3 presents and explains in detail the most common anticompetitive conduct in public procurement tenders, i.e. bid rigging, market sharing, quantity restrictions and price fixing. Although these collusive practices are often combined in practice, the Guide adopts a more educational approach and examines them separately, using examples.

- In section 4, the Guide provides a brief description of the main market characteristics that may facilitate collusive conduct in tendering procedures, i.e. the number of firms, unique products, standardized products, familiarity with tendering procedures and familiarity among competitors.

- Then, in section 5, the Guide describes a series of leads that may be associated with the operation of an illegal cartel and, thus, should alert public officials and suggests simple methods for detecting suspicious behaviour of participants in tender procedures. The discussion focuses on identifying dubious bids and bidding patterns, suspicious pricing and market sharing practices.

- Finally, in section 6, the Guide concludes by providing some simple practical tips for public officials to maximize competition and reduce the likelihood of cartel formation in public procurement tenders.

More information at: http://www.epant.gr

- **Tools and support:**

Example 54.   OECD – Brochure on detecting bid-rigging

The OECD has developed a methodology to help governments improve public procurement by fighting bid rigging. Drawing on the experience of more than 30 jurisdictions, the OECD Guidelines for Fighting Bid Rigging in Public Procurement assist procurement officials to detect bid rigging.

The Guidelines help to identify:

- markets in which bid rigging is more likely to occur so that special precautions can be taken

- practices that procurement agents can use to detect bid rigging

- suspicious pricing patterns

- suspicious statements, documents and behaviour by firms.

The Guidelines provide a comprehensive strategy for detecting bid rigging. They can be applied in a decentralized manner across government at both national and local levels.

The Guidelines also include a Checklist for Detecting Bid Rigging in Public Procurement, which provides detailed information to help procurement officials identify anti-competitive practices during the bidding process.

More information at: http://www.oecd.org/competition/cartels/42594486.pdf

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> **Recommendation 8**
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> Member States should provide guidance aiming, on the one hand, to give **legal certainty** on EU and national law or requirements stemming from the EU's international obligations and, on the other hand, to **facilitate and promote strategic thinking**, commercial judgement and intelligent/informed decision making, such as:
>
> a) targeted **guidance materials, methodological handbooks and repositories of good practices and most common errors**, that are up-to-date, user-friendly, easily accessible and grounded in the experience of practitioners; and
>
> b) **standardised templates and tools** for various procedures such as green public procurement criteria.

➔ 8.a. Targeted guidance materials, methodological handbooks and repositories of good practices and most common errors

Public procurement methodological manuals are explanatory documents that act as reference guides for buyers when conducting procurement procedures, thus ensuring time saving, increased legal certainty and reduced margin of errors. Amendments to laws and regulations, the need for clarifications on substantial and procedural issues – i.e. jurisprudence – and the need to provide step-by-step guidance on how to perform each procurement procedure are the main reasons for manuals or handbooks aimed at educating and supporting practitioners in their daily tasks. Besides being directed at practitioners within contracting authorities/entities, methodological manuals can also benefit public procurement trainers or students enrolled in specialised procurement learning programmes.

Some methodological manuals exist in the form of, inter alia, guidance manuals, procurement best practice guides, walkthroughs or vade-mecums and compendiums. However, their objective is broadly the same and is generally twofold. On the one hand, methodological manuals explain the theoretical and legal background of the public procurement system in a given Member State. On the other hand, they provide practical information regarding the implementation of the procurement legislation through examples, cases and advice.

Typically, methodological manuals are available in paperless version, mostly PDF and web-based formats. While PDF formats allow for easily printing of documents, web-based formats feature search tools with links redirecting to the desired information. More recently, Member States have tried to present methodological manuals in a more interactive way by developing web-based guides. The idea is to have a dedicated portal providing information on aspects of the procurement process ranging from needs assessments to contract performance indicators, while at the same time making available additional support tools such as standardised tender documents and checklists. Web-based guides offer interactive features such as links to relevant legislation and jurisprudence, and their potential can be further exploited by making them interoperable with e-procurement portal.

Moreover, targeted thematic guidance materials refer to documents, short video tutorials, or similar tools, aimed at providing practical information on specific procurement related themes, measures or processes. Guidance material can provide support for technical aspects of public procurement such as explaining key steps of a procedure or a sub-process that has to be

conducted according to the law. Usually, such procedures concern the pre-award and the award phase of the contract. Common examples include guidelines on how to evaluate offers, how to design framework agreements, how to conduct e-procurement and how to use the national e-procurement system. Guidance materials may also provide explanation on transparency requirements for publishing contract notices and contract awards as per the national law and other compliance-related themes.

Guidance material can also cover aspects of procurement considered optional or sector-oriented. Such support material can include among others: guidance for IT procurements, health sector related procurements, guidance on how to formulate social or green public procurement criteria, or how to spot corruption and bid-rigging.

Typically, guidance materials are produced by the national body responsible for drafting public procurement laws – i.e. 'Public Procurement Office'. Sector-specific guidance however is usually prepared by the relevant ministry, industry associations and NGOs, as they are more knowledgeable and have extensive experience working in a specific sector.

The main benefits of targeted thematic guidance materials include:

- Time savings when preparing tenders documents;
- More tailored and fit-for-purpose tender specifications;
- Increased confidence and legal certainty when conducting procurement procedures; and
- Reduction of errors.

Ultimately, achieving such results contributes to better quality of procurements and more knowledgeable and professionalised procurers.

Case law analysis also supports the interpretation and correct application of public procurement legislation, particularly those provisions that are ambiguous or complex. This includes areas that are often subject to litigation, but also new provisions of the law. With respect to EU Directives, there are a number of areas where case law analysis is particularly relevant, e.g. provisions concerning the acceptance of abnormally low tenders, selection and award criteria as well as contract modifications.

Procurement practitioners need regular updates regarding latest developments in case-law to correctly interpret the legal basis, and ultimately exercise their job well. To facilitate this, some MS have introduced regular analysis of case law, which are published and disseminated in the form of a collection of case law or via a virtual library. This allows practitioners to be kept abreast of the most recent developments in procurement jurisprudence, and thus be aware of key areas of vulnerability to litigation.

Typically, analysis of case law are issued with a regular frequency (e.g. weekly, monthly, quarterly, etc.) and are available free of charge on the website of the ministry, agency or body in charge of public procurement legislation and its implementation, as well as public procurement professional organisations. In some cases, Member States publish a collection of decisions by the national remedies body.

As case law libraries are not always intuitive and searchable, commercial providers in some Member States have developed online tools to facilitate the process of browsing through case-law which can be acceded via periodical subscriptions. Case law libraries usually provide additional relevant information in a user-friendly and searchable way, such as verdicts of the Supreme Court and the Court of Justice of the European Union.

- **Examples and Case Studies:**

Example 55.   FRANCE – Vade-Mecum of public procurement

The Directorate of Legal Affairs (DAJ) of the French Ministry of the Economy and Finances (Minefi) is in charge of the development of the national public procurement law. The DAJ is France main procurement body, tasked with representing France in public procurement councils and experts groups nationally and internationally. It also plays a key role in providing legal advice to central, regional and local public administrations.

In this context, the DAJ has produced a comprehensive manual on public procurement called the Vade-Mecum of Public Procurement. This manual is the result of the work of a taskforce composed of legislative experts within the Ministry with extensive knowledge of public procurement rules and experience in advising contracting authorities.

A first version of the Vade-Mecum was published in 2013 and was last updated in 2015. The manual is extensive and structured around four main sections. The first one is divided in five sub-sections that each cover a phase of the procurement lifecycle, for which good practices and examples are provided. The second section complements the first one by providing technical fiches on key topics at each phase of the procurement lifecycle such as sector-specific procurement information for instance. The third section provides several tables summarising the rules, times and thresholds for publishing and awarding contracts according to the different procurement procedures. Tables are available for both public entities falling under the Public Procurement Code including the State and state public institutions, local authorities and local public institutions, public health establishments, and entities falling under the Ordinance of 6 June 2005 concerning contracting authorities. The last section is dedicated to flowcharts illustrating the different steps in conducting the following six procurement procedures:

- Open procedures;

- Restricted procedures;

- Competitive dialogue procedure;

- Negotiated procedure with prior advertisement;

- Negotiated procedure after prior advertisement;

- Specialised procedure

Finally, at the end of the manual, an index of procurement-related terms is available, where each term is linked to a relevant technical fiche and/or a paragraph within the manual.

The Vade-Mecum is available in PDF and HTML formats and can also be consulted on tablet computer. Being both a practical tool and a reference book for interpreting the law, the manual encounters a great success with procurement practitioners as well as with academia.

More information at: http://www.economie.gouv.fr/daj/vade-mecum-des-marches-publics-ed2015

Example 56. CYPRUS – Public Procurement Best Practice Guide

Concerned by the fact that contracting authorities and contracting entities are struggling to perform their work, the Public Procurement Directorate (PPD) of the Treasury of the Republic of Cyprus has developed a best practice guide on public procurement. This guide provides public procurers with detailed information about the national public procurement law transposing EU 2014 Public Procurement Directives.

The PPD mandated a consortium of two consulting firms to elaborate the best practice guide. This initiative was undertaken in the context of the project "Measures to Develop the Implementing Capacity of the Cypriot Authorities in Applying European Public Procurement Legislative Package" and was funded by the EU Transition Facility Fund. The first iteration of the guide was published on 31 October 2007 and has been updated repeatedly since then.

Similar to the French Vade-Mecum of Public Procurement, the guide covers the entire lifecycle of a public contract and provides practical instructions and guidelines as regards to the correct and effective application of the Community and national public procurement legislation. To this end, the guide is structured around seven chapters, each one corresponding to a different phase of the procurement lifecycle. Chapters are relatively independent and can be studied separately from each other. For instance, the last chapter of the guide proposes good practices in project management, an aspect that is often overlooked in these types of manual. Here the emphasis is not only on the correct application of the law and the respect of procedures, but also on planning, executing, monitoring and controlling the contract implementation.

In addition, support materials such as standardised tender documents for the award of public work, supply or service contracts for open, restricted or simplified procedures are also available in Annexes to the guide.

In terms of format, the guide is only available in HTML on a dedicated website. Each chapter can be downloaded as a PDF file as well. In order to make the guide easy to follow, visual and user-friendly, specific symbols are used to indicate:

− When a good practice is only recommended as a suggestion;

− When an element is absolutely crucial and special attention should be paid to it;

− When a practice is rather a lesson learnt and should therefore be avoided;

− When additional information is provided for a key topic;

− When support tools or techniques are available to simplify the procedure's implementation.

More information at: http://www.publicprocurementguides.treasury.gov.cy/OHS-EN/HTML/index.html

Example 57. UNITED KINGDOM – Guidance material on Public Contracts, Utilities Contracts and Concession contracts Regulations

The Crown Commercial Service website hosts a section dedicated to EU procurement Directives and the UK regulations including related guidance and training material aimed at explaining and supplementing policy notes, i.e. official documents that announce the entry into fore of a specific measure introduced by the public procurement law. More than 15 detailed and subject-specific guidance documents are available.

Topics covered by subject-specific guidance materials range from guidance on standstill periods, changes to procedures, amendments to contract during their execution, to subcontracting provisions, transparency requirements to publish in the public contract registry, framework agreements and social and environmental guidance.

Thematic guidance materials are available in PDF or as editable documents and can be easily downloaded and printed. All guidance material is structured in the same way and uses the same template. Therefore, users rapidly learn how the information is organised and can quickly identify the type of information contained. This also ensures that the same level of information is provided across all thematic guidance materials.

More information at: https://www.gov.uk/guidance/transposing-eu-procurement-directives

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Example 58. LATVIA – Sector-specific recommendations from the Procurement Monitoring Bureau (IUB)

The Procurement Monitoring Bureau (IUB) of the Latvian Ministry of Finance publishes sector-specific support material in the form of guidelines and recommendations. To do so, the Bureau relies on the experience and expertise of non-governmental organisations and industry associations that prepare support material in the form of good practices and recommendations.

Sector-specific guidelines are based on economic operators' experience acquired one-the-job and in participating in several procurements in a specific sector. They shed light on key issues and most frequent problems encountered in the sector in order to help contracting authorities better understand sector specificities. Sector-specific guidelines available on the IUB's website cover furniture, food and food services, security services, credit guarantees, lighting material, car delivery and long-term lease purchases, IT procurements, cleaning services, and management consulting and training services purchases.

The IUB conducts dissemination and promotion activities for these thematic guidelines. However, it can neither be held responsible for the accuracy of the content provided nor for reflecting all economic operator's point of view. Thematic guidelines only provide recommended actions and cannot guarantee the successful outcome of procurement procedures.

Latvia has relied on industry experts to produce thematic guidelines. This ensures that information provided is grounded in practice and has proven useful in concrete situations. However, because sector-specific guidelines are produced by different industry association, the length and layout of guidance documents as well as the level of information contained vary from one guideline to another.

More information available at: https://www.iub.gov.lv

Example 59.   CZECH REPUBLIC – Lexicon on Public Procurement Law

The Association for Public Procurement, a civil society platform for procurement stakeholders in the Czech Republic, developed the so-called Lexicon on Public Procurement Law, a commercially-available virtual library on public procurement case-law. The application was created in 2012 with a view to facilitate the practical application of procurement law, at a time when the main Czech procurement law, the Act. No 137/2006 Coll., was newly introduced. The Association saw a need for contracting authorities/entities to dispose of web-based application that would enable public procurement practitioners to examine the provisions of the Czech procurement law, as well as the decisions of the Office for Protection of Competition, i.e. the first-instance remedies body of the Czech Republic.

The web application provides a user-friendly, searchable repository of all case law related to the Czech procurement act, the Act no. 137/2006 Coll. The interface allows browsing through each article, which is linked to relevant jurisprudence at national and EU level, including the following types of case law:

- decisions from the Office for Protection of Competition, i.e. the Czech remedy body;

- decisions by national courts; decisions by the Court of Justice of the European Union (CJEU);

- related European Union legislation;

- other relevant comments, professional literature and expert opinions.

The decisions by the Office for Protection of Competition are also available in full-text. Users appreciate that all relevant information is in one place and put into context of the law provision.

Among the Lexicon's main users are municipalities and law firms as well as consultants and economic operators; subscribed users have an annual access to the tool. The Association provides access to the tool to its members. The daily operations of the application are run by a private company, which has been managing this functional tool since it was first launched.

More information available at: http://www.lexikonvz.cz/

Example 60.   THE NETHERLANDS – Summary of jurisprudence

The website of the Dutch Procurement Expertise Centre PIANOo provides the main online repository of public procurement case law in the Netherlands. Specifically, PIANOo publishes a collection of EU and national procurement jurisprudence as well as a weekly summary of procurement judgements, both available free of charge. PIANOo offers the weekly case-law summary since 2011, in addition to the information on legislation and the Q&A section.

The collection of jurisprudence is organised by topic, and contains step-by-step recommendations for each phase of the procurement cycle. For instance, the tender preparation phase is subdivided in its main sub-topics, containing key recommendations for practitioners on the basis of relevant case law.

PIANOo also publishes a weekly case-law summary prepared by the Institute for Construction Law (IBR) on the PIANOo website. This weekly digest contains an analysis of rulings of the EU Court of Justice and of Dutch national courts. PIANOo pays an annual fee to the IBR for this service.

Both the collection of jurisprudence and the weekly summary of judgements offer an up-to-date overview and useful interpretation of legislation, which procurement professionals consider valuable to assist them in the interpretation of the tendering rules into practice. The website has a steady traffic with the number of page views amounting to over 60,000 in 2016.

More information at:

https://www.pianoo.nl/regelgeving/jurisprudentie/jurisprudentieoverzicht

https://www.pianoo.nl/regelgeving/jurisprudentie/wekelijkse-samenvattingen-jurisprudentie

- **Tools and support:**

Example 61.   EASME-COSME procurement project – Guidance on procurement of bio-based products

In 2015, the Executive Agency for Small and Medium-Sized Enterprises (EASME) launched a project with the aim of facilitating the uptake of bio-based products as part of innovative products in procurement, drawing on the broader objectives of the relevant European Policy Framework, such as the 'Circular Economy Package' (December 2015), the 'Bioeconomy Strategy' (February 2012) and the 'Innovation Procurement' stimulated through the Public Procurement Directives (January 2014).

A variety of supporting materials were developed to provide procurers and other interested parties, such as policy makers and budget holders, with information about bio-based products, thereby enabling them to incorporate bio-based products in public procurement. These guidance materials include:

- a training handbook;
- a dynamic meta database;
- a brochure;
- case studies on the uptake of innovative bio-based products in procurement;
- factsheets on the innovation potential of bio-based product groups (e.g. soil improvers, asphalt additives, clips and binders, coating, geotextiles, plant foil, pots and seedling beds, shuttering, street furniture).

The guidance materials also provide information on how to successfully support the uptake of bio-based products in procurement within organisations, addressing questions related to:

- **who to involve**, stressing the importance of targeting, amongst others, professionals from procurement, sustainability, finance and specialist departments such as construction or IT;
- **how to create commitment**, through involvement of higher level management, cooperation between policy-makers and procurers, setting up ad-hoc working groups, networking and cooperation; and
- **how to create a knowledge base**, by engaging the market, assisting procurers with training or information materials, disseminating best practices, taking part in national and international networking activities, as well as by seeking external advice or peer review.

The following approach could be used to take into account bio-based products in procurement:

- consult the market, through a simple online market research that can help provide some basic information or engaging in dialogue with potential suppliers prior to tendering in order to get a more detailed picture from the market;
- choose an appropriate procurement procedure, depending on the subject matter of the contract and the information gathered during the pre-procurement stage;
- identify capabilities of bio-based products related to the subject matter of the contract;
- specify requirements in tender in terms of technical specifications, selection criteria and award criteria so as to include capabilities of bio-based products.

More information at:

http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=9196

➔ 8.b. Standardised templates and tools for various procedures such as green public procurement criteria

Standardised tender documents are model documents, typically editable document templates, used by contracting authorities in order to simplify their work, avoid errors and save time at different phases of the tendering process. The most frequently available types of standard documents are contract notices, tender specifications, contract award notices and contracts for all types of procurement procedures. Model contract clauses, pre-defined technical and evaluation criteria and declaration of honour templates can also be found.

The main reason for creating standardised tender documents is to ensure that any procurer, be it more or less experienced, can conduct a public tender. Infrequent procurers benefit from having easy access for immediate use to the appropriate documents in order to perform their job correctly. Standardised tender documents are also useful to more experienced procurers as they allow saving time and limiting the room for errors and delays in procedures.

Usually, standardised tender documents are prepared by the Public Procurement Office to ensure the information provided is verified and complies with Public Procurement Law. While some MS only recommend the use of standardised tender documents on a voluntary basis, other MS make their use mandatory by law.

Good examples of editable tender templates allow users to quickly and easily identify the 'locked' sections of the document which are not meant to be changed, as well as the sections where user input is required. A number of ways exist to make this clear and intuitive. The document text may provide visual cues as to which text should not be changed, focusing the user's attention on text that should be replaced with specific information. Capital letters, italic and bold text, different font styles, special punctuation (e.g. brackets), highlighted or multicolour text can help enhance the readability and user-friendliness of the tender document preparation process.

Besides ready-to-use templates, another innovative way to help contracting authorities issuing calls for tender can be through the development of IT solutions that generate tender documentation with limited input from users, ensuring consistency and high quality. These "tender generator" solutions are applicable for all types of procurement procedures and are mainly relevant for services procurements.

➔ Standardised templates and tools can also support various procedures such as green public procurement criteria.

The implementation of strategic public procurement, in particular green public procurement (GPP) and socially responsible public procurement (SRPP) is promoted by the availability of predefined clear, verifiable, justifiable and ambitious environmental and social criteria that can be used when drafting tender documents. Therefore, Member States have developed libraries as online repositories of these strategic criteria presented in an easy-to-use format, as a tool to help contracting authorities/entities introduce environmental and social considerations in their procurement strategies.

In essence, these libraries are a collection of readily available criteria organised by product groups that contracting authorities/entities can simply copy and paste in their tender documents, as appropriate. The criteria libraries can also contain suggestions on how to verify economic operators' compliance with the criteria. They are typically available free of charge

on the main public procurement authority's website. In some cases, they are developed by the ministry of the environment or social affairs.

Strategic criteria are developed for various product groups taking into account their environmental and/or social impact. They consist of requirements in the technical specifications, selection criteria, award criteria and contract performance clauses, most relevant for the product type or service in question. The key characteristic of strategic criteria is that they set requirements beyond what is already the statutory minimum. In some Member States, the inclusion of strategic criteria is mandatory for certain product groups. Other Member States promote GPP and SRPP on a voluntary basis only. Member States often introduce targets for the uptake of strategic procurement to demonstrate political commitment to secondary goals in procurement.

Environmental criteria are usually the most developed component of a library, covering a wide range of product groups. They often come in the form of technical specifications related to the specific environmental aspects of the good or service at hand, e.g. limiting the amount of pollutants contained in a given product. Ecolabels or similar labelling can also be used as GPP criteria, but only in the case that they are relevant to the specific product group or service.

Social criteria aim to incorporate social objectives into the procurement process. In most cases, they come in the form of contractual performance clauses related to the respect of human rights and labour standards in the global supply chain, e.g. combating forced labour, child labour, discrimination, etc. To go beyond mandatory social and labour law standards, social criteria need to address for instance decent working hours, health and safety at work, living wage or the improvement of accessibility for persons with disabilities and the inclusion of disadvantaged persons or members of vulnerable groups into the public procurement system. Furthermore, contracting authorities may choose to include contractual social clauses, which commit the winner to a particular social goal – e.g. offering apprenticeships.

The criteria are usually developed and discussed in accordance with market participants in order to develop requirements that are feasible from an industry point of view. Often various degrees of ambition are included in the development of criteria, ranging from 'basic' or 'core' to 'advanced' and 'comprehensive'. The European Commission has developed a set of GPP criteria, which can be adopted by MS in their national systems. The benefit of common criteria, as opposed to national ones, is the reduction in administrative burden for economic operators that supply multiple European markets. In contrast, national criteria and standards are better adapted to the local conditions.

Furthermore, life-cycle costing (LCC) tools facilitate the calculation of costs over the entire life span of a given product, service or work. LCC recognises that there are additional costs to the purchase price when procuring. Conventional LCC methodologies, also referred to as total cost of ownership (TCO), calculate internal costs by assessing the following: investment costs (e.g. purchase price and associated costs), operating costs (e.g. energy consumption), maintenance costs (e.g. service charges, replacement), and end-of-life costs (e.g. decommissioning and disposal). Environmental LCC also includes external costs of a given good, service or work, which may not be directly borne by the contracting authority. These can take into account, for example, the cost of carbon emissions and environmental impacts such as soil erosion and pollution.

Using LCC gives the contracting authority/entity a more complete estimate of the costs associated with the goods, services and works it procures, allowing them to make better-informed decisions. Furthermore, LCC plays an important role in implementing green public

procurement (GPP), as it encourages the choice of resource-efficient goods, services and works by putting a price tag on the cost of things like fuel, energy and water consumption.

The 2014 Public Procurement Directives promote the use of LCC as a methodology to assess the most economically advantageous tender (MEAT), provided that the calculation method and the data to be provided by the bidder are communicated in the procurement documents. Specific provisions for the calculation of environmental externalities are included in the directives, too.

However, calculating life-cycle costs is a complex task that requires making realistic assumptions about potential future costs, and the cost of externalities. Other challenges in assessing costs consist in counting cost items only once as well as determining the most important cost items. Furthermore, the calculations need to be product-specific for the assessment of life-cycle costs, if used in evaluation of tenders.

To overcome the challenges in calculating LCC and support practitioners who wish to implement it, a number of MS have developed LCC calculation tools. The main purpose of these tools is to compare LCC between various products. The LCC tools can be used either during the course of the needs analysis, as an instrument to estimate costs, or during the evaluation phase to select among offers. LCC tools are typically spreadsheet-based and product-specific. They pre-define the main categories of costs, which need to be filled with information from the supplier. The tool contains a 'summary tab' that allows making comparisons between various products. During the tender phase, the contracting authority/entity may either request the information needed for the LCC calculations from bidders, or ask bidders to directly fill in the relevant data in the tool.

- **Examples and Case Studies:**

Example 62.   POLAND – Model documents

The Public Procurement Office (PPO) of Poland is the responsible body for drafting public procurement policies, and regulating and coordinating the national public procurement system. In addition and according to the new law, the PPO is in charge of the preparation of standardised tender documents as well as guidance material.

The PPO's website offers a repository of knowledge section that provides an extensive amount of template documents and guidance material. A dozen model documents are already available and another dozen are planned to be elaborated. These templates range from model statements to be made for particular procedures, appeals procedures and complaints to a court, to model notices for technical dialogue, model contract clauses and model rules of procedure of a tender committee, among others.

Assessing the use of these models is possible by consulting the number of times they have been downloaded. For instance, for the period January 2016 – February 2017, model rules for awarding contracts below EUR 30,000 were downloaded 17,984 times, statement on the lack of existing relationship between persons carrying out activities in contract award procedure were downloaded 22,569 times, and model of statement to be made in a procedure below the EU thresholds regarding the fulfilment of conditions for participating in a one-stage contract award procedure were downloaded 18,549 times. In comparison, model rules for conducting technical dialogue were only downloaded 2,049 times according to the PPO's statistics.

The popularity of these template documents is primarily due to their ease of use and clarity. Indeed, sections that need to be filled out by the contracting authorities are highlighted in yellow and are delimited by brackets. This is consistent throughout all models and ensures that contracting authorities can easily work with different templates.

The PPO provides an email address for contracting authorities to give feedback, express opinions and suggest improvements. The use of this feedback channel is fostered by a working group made of representatives of all departments within the PPO who actively invites contracting authorities to brainstorm on template models.

More information at: https://www.uzp.gov.pl/baza-wiedzy/wzorcowe-dokumenty

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Example 63.   LUXEMBOURG – PROMETA application tools

The mission of the Business Process Management Office (BPMO) of the Luxembourg State IT Center (CTIE) focuses on bringing efficiency in e-Government services and simplifying administrative procedures. To do so, the BPMO developed a common interoperability framework – PROMETA – for the State administrations through a centralised approach based on business process management and definition. Thanks to the PROMETA framework, the BPMO has created several applications tools dedicated to support and facilitate the work of public administrations.

One key application tool derived is the PROMETA Doc Gen application. Doc Gen is an application aimed at simplifying the drafting of the legal and administrative sections of tender documents, request for services, proposals and service contracts. For tender documents, Doc Gen allows to generate a pre-filled version of legal and administrative sections of the tender document for the procurement of services such as cleaning, security, audit or consulting services. Doc Gen allows this for all public procurement procedures: open procedures, simple restricted procedures, procedures with publication of notices, simple negotiated procedures and procedures with publication of opinion, as well as framework agreements.

The application is based on the mapping of the national public procurement law into decision flows established by processes specific to each procurement procedure. By answering a small set of questions, the application correlates with the right decision flow for the chosen procurement procedure. It further identifies the legal sections of the law that absolutely need to appear in the tender documents and automatically inputs them in the document to be generated.

Doc Gen contributes to meet the needs of both contracting authorities and potential suppliers. It allows contracting authorities to save time in writing administrative content and rather focus on their purchasing strategy, while bidders can more quickly and easily read harmonised tenders.

In addition to Doc Gen, another second application developed by BPMO called Prometa Spec. supports the elaboration of tender specifications for procurement of IT solution development using a business process modelling approach. This covers activities from the modelling of the requirements, the definition of the constraints, the use cases, the mock-ups, the web services, the data models, the workflows and processes.

The creation of these two application tools was initiated after in 2010 the leadership at BPMO became aware of the large savings potentials by automatising the tender document generation. The BMPO therefore recruited a legal expert on Luxembourg public procurement law and an expert on business process mapping and gave them with the task to map and model the national law into various processes. More than 200 processes representing the law have been mapped.

The main benefit of the solution is the substantial reduction in time in the preparation of a tender document and tender specifications that were previously taking 3 days. Now this takes no more than 15 minutes. In addition, such harmonised approach allows consistency across tenders, which results in higher-quality tenders and better compliance with procurement rules and procedures.

More information at: http://www.fonction-publique.public.lu/fr/structure-organisationnelle/ctie/index.html

Example 64.   DENMARK - Development of national tools for incorporating TCO (Total Cost of Ownership) in public tenders

In continuation of the government's strategy for intelligent public procurement, the Environmental Protection Agency has instigated the development of national tools for incorporating TCO (Total Cost of Ownership) in public tenders.

Instead of simply looking at the cheapest purchasing price, the purpose of the TCO tools makes it possible to select the cheapest product considering the whole life-cycle of the product. TCO tool calculates the sum of a product's purchase price and the overall operating costs for the product lifetime. It is the total of all costs resulting from acquisition of a product and the costs involved in using the product during its period of use. Both direct and indirect costs may be included in the calculation of total costs.

TCO takes into account, for instance, the costs of the product's:

- power consumption,

- water consumption,

- other resources (e.g. toner for printer),

- installation,

- services and

- working hours associated.

The TCO tool can be useful when operating costs constitute a large part of the total costs, when there are big differences in the lifetimes or when there are large differences in annual operating costs. The total TCO price may be used as a criterion for awarding a tender.

The TCO tool is recommended to be used in the following steps:

1. In the preliminary analysis

Before drawing up the tender, it is important to enter a dialogue with the market in relation to other cost factors and to establish what significance these could have for the resulting costs/savings of using various product types, as directly measurable costs are included in the TCO tool.

2. Request TCO information in the tender material

When drawing up the tender material, it is important to ask for the TCO values used in the relevant TCO calculation. The TCO tool itself must either be integrated in the tender lists or included in the tender material, so that the supplier knows how the total TCO price will be calculated and used as a basis for the evaluation.

3. Evaluate tenders based on lowest TCO price

When the tenders are received, the TCO price is calculated, and subsequently used as the basis for evaluation. The TCO price replaces the pure purchase price.

More information at: http://mst.dk/

PDF Guidance:
http://mst.dk/media/94904/miljoeministeriet_vejlednning_tco_15012015_kontor_it_uk_korr.pdf

http://ec.europa.eu/environment/gpp/pdf/TCO_tools.pdf

The responsible procurer: www.csr-indkob.dk

Example 65.   SWEDEN – LCC-tools by the National Agency for Public Procurement and Sustainability criteria library

➔ **Sustainability criteria library**

Sweden has a longstanding tradition of including environmental considerations in public procurement, which is pursued on a voluntary basis by contracting authorities/entities. To encourage the uptake of strategic procurement, the government instructed the National Agency for Public Procurement to provide public procurers with sustainability criteria. Sustainable public procurement is one of the goals in the National Strategy for Public procurement in Sweden.

The sustainability criteria library was launched by Swedish Environmental Management Council (SEMCo) in 2013. SEMCo managed the Swedish criteria for SPP since 2003. Since 2015 the tool and database are managed by the National Agency for Public Procurement. The objective of the criteria library is threefold: 1) to provide contracting authorities/entities with an easy-to-use tool for implementing GPP and SRPP; 2) to generate savings for municipalities from the use of environmentally efficient resources; and 3) to provide predictability to the market including SMEs on environmental and social requirements.

In their initial version, the sustainability criteria were published as editable documents in an online library. Now, the library evolved to an online tool hosted on the National Agency for Public Procurement's website, which automatically generates GPP and SRPP criteria for specific product groups, making the use of criteria as easy as possible for practitioners through a user-friendly interface.

The criteria database covers environmental and social conditions within eight product areas: IT and telecom, building and property, cleaning and chemicals, vehicles and transport, office and textiles, food, nursing and care, and supplies for a toxic-free preschool. The environmental criteria have three different levels of ambition (basic, advanced and spearhead) and include a combination of qualification requirements, technical specifications, award criteria, and contract clauses, as most suited to the product or service. Social criteria are primarily based on the ILO conventions and the UN Universal Declaration of Human Rights criteria.

The tool is user-friendly, allowing the user to select the product group, the level of ambition, type of criterion. At the end of the process, users can download their customised set of criteria, which are ready for copy and paste into the tender documents. The tool also provides a guidance document on the criteria, which includes explanations and instructions.

The criteria are quality-assured by a development process that includes broad participation with experts, industry, government representatives, procurers, eco-labelling organisations and NGOs.

More information at: http://www.upphandlingsmyndigheten.se/en/sustainable-public-procurement/sustainable-procurement-criteria/

➔ **LCC-tools**

In Sweden, the National Agency for Public Procurement provides contracting authorities with a number of spreadsheet-based LCC-tools available for download on its website. Specifically, the Agency has developed one general LCC tool and six product-specific tools, namely for white goods, cars, indoor lightning, outdoor lighting, vending machines, and commercial refrigerators and freezers. The LCC-tools were first developed in 2009, and updated with a user-friendly interface in 2016. The development of the tools was initiated based on demands from the government and from users to facilitate LCC usage.

These tools have two main types of application: they can either be used in the initial phase of the tender to refine the procurer's awareness of the costs involved and to test various costs scenarios, or

for the evaluation of tenders. Furthermore, LCC-tools may help in creating a basis for cost discussion with suppliers.

The general LCC tool covers the basic parameters related to life-cycle costs, such as investment costs, operating and maintenance costs, and other costs (e.g. insurance, taxes, disposal, residual value etc.) and includes climate impact measured in CO_2 equivalents. It is intended primarily for use during the needs analysis phase, allowing contracting authorities to get a sense of the real costs of the product. The product-specific tools, on the other hand, are meant for use in the tender evaluation phase.

To use the LCC-tools, the contracting authority/entity needs to define the basic conditions for calculation, which for the general LCC-tools consist of the usage time, the discount rate, the price of electricity, fuel and water, annual price change, climate impact energy usage, financing costs (for leasing or renting). In the case of the specific LCC-tools the calculation conditions are adapted to how the product is used. For instance, the LCC-tool for professional refrigerators and freezers includes the number of years of use and the annual days of use as part of the parameters for the calculation.

The LCC-tools include the following dimensions ('tabs'):

- Introduction: general instructions on the use of the tool

- Calculation sheet: life-cycle costing analysis of several product solutions based on standardised parameters.

- Tool parameters: detailed definition of cost parameters applied for the calculations

- Results: visual presentation of the results of the cost comparisons

- Climate impact factors: Factors for calculating the environmental impact from energy.

- Respondent sheet: Sheet for the supplier to attach to the tender.

In terms of calculation methodology, the LCC-tools are based on the present value method and calculate future costs to present value. The equation for the calculation of the present value is specified in the tool. The various parameters chosen by the contracting authority/entity in the 'calculation conditions' have an effect on the final results.

More information at: http://www.upphandlingsmyndigheten.se/omraden/lcc/lcc-kalkyler/

- **Tools and support:**

Example 66.   EUROPEAN COMMISSION – EU Green Public Procurement criteria

The European Commission has developed a variety of tools to support contracting authorities who want to reduce the environmental impact of their purchasing decisions and foster the move to a circular economy, ranging from voluntary EU green public procurement (GPP) criteria for priority product groups, guidance documents, a helpdesk and a collection of GPP good practice cases.

More information:

EU GPP criteria library: http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm

GPP good practice examples: http://ec.europa.eu/environment/gpp/case_group_en.htm

Recommendation 9

Member States should promote **exchange of good practice and provide support for practitioners** to ensure professional procurement procedures, cooperative work and transmission of expertise such as:

  a) providing **technical assistance by means of reactive helpdesks, hotlines and/or email services**;

  b) organising seminars and workshops to share new legal developments, policy priorities and **good practice**; and

  c) encouraging **communities of practice** through online fora and professional social networks.

→ 9.a. Providing technical support by means of reactive helpdesks, hotlines and/or email services

Conducting specialised procurement procedures often requires a high level of technical expertise. Drafting technical specifications for procurement procedures involving complex technical matters, such as green public procurement (GPP), pre-commercial procurement (PCP) or public procurement of innovation (PPI), demands a thorough know-how about procedures and the solutions comprised within the subject matter of the contract. In order to support smaller contracting authorities/entities conducting technically complex procurement procedures, some Member States have decided to aggregate expertise at the level of central purchasing bodies or dedicated bodies.

Support to contracting authorities/entities usually takes the form of advisory services on legal and technical matters, dissemination of guidance materials as well as the provision of trainings on particular issues. Expertise centres can also conduct their activities in support of contracting authorities/entities in cooperation with other public sector organisations such as judicial bodies and public administration academies, inter alia, through helpdesk or other means of support.

A helpdesk is a single point of contact for assistance to contracting authorities/entities and often economic operators with inquiries related to public procurement rules.

Typically, procurement helpdesks take the form of call centres or phone "hotlines". However, helpdesks can also be a general mailbox via which procurers can raise questions. Procurement helpdesks are usually featured on the website of the authority in charge of the implementation of the national public procurement law within a Member State (MS). They provide procurers with a quick and tailored-made answer/advice and are particularly valuable for supporting infrequent procurers.

As public procurement regulations and laws can be complex and change quite often, helpdesks represent an efficient tool to ensure legal certainty as well as to solve recurrent issues in terms of choice of procedures, tender specifications and publication rules among others.

- **Examples and Case Studies:**

Example 67. LITHUANIA – Public Procurement Office (PPO): Helpdesk and training courses for contracting authorities and suppliers at national and local levels

The PPO provides support in several ways: consultations by email and phone, FAQs, public consultations, seminars, open consultation days, trainings and exchange of good practices and challenges, etc.

Good practices:

- answers must be short, use hyperlink to legislation and other relevant documents.

- consultations by phone should be avoided because the consultants are doing a double work (by email and telephone) as very often the issues are recurrent; secondly, by phone there is no traceability; thirdly, this leads to provide different consultations on the same issues. Therefore, consultations by e-mail are more efficient.

- provide prompt replies to simple questions (in 1-3 working days); as for the most complex issues 20 working days are needed. The replies should be double checked by different persons.

- use "Frequently asked questions".

The Public Procurement Office also organises Open Consultation Days which are very useful because organisations tend to be more open, it allows instant feedback, and it increases the confidence in the Public Procurement Office.

Before launching a training programme, PPO organises consultations to formally involve the interested parties. As to the lessons learned from organising trainings, it is important to train the trainers (learn how to teach) and it is crucial to rehears (3 rehearsals before seminars).

Source: Public Procurement Office website: http://vpt.lrv.lt/en/

Example 68.   SLOVENIA – Helpdesk for contracting authorities and economic operators

With the aim of supporting contracting authorities/entities conducting procurement procedures, Slovenia's Ministry of Administration has been operating a telephone consultation service for public procurement practitioners twice a week, Tuesdays and Thursdays, during three hours, from 9AM to 12PM. Following up on the success of this initiative, the Slovenian government decided to put in place a helpdesk managed by the Public Procurement Directorate at the Ministry of Public Administration. The helpdesk enables contracting authorities and economic operators to receive advice in the preparation of tender documentation, the implementation of public procurement procedures and the performance of contractual provisions. Priority is given to procurement practitioners who carry out or participate in public tenders financed by EU funds. Both contracting authorities and economic operators can fill in an online request form with enquiries for submission to the helpdesk. Based on the information provided in the online form, the helpdesk can provide an answer in the form of a written mail or a phone call.

More information at: http://www.djn.mju.gov.si/narocniki/svetovanje

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Example 69.   FINLAND – Hansel Oy - Central Purchasing Body (CPB) hotline

As the central purchasing body of Finland's central government, Hansel Oy provides support services for all users – contracting authorities/entities and suppliers alike – using the framework agreements in place. More in particular, Hansel Oy's helpdesk offers a phone hotline available from Mondays to Fridays from 8AM to 4PM, as well as a dedicated email address for written queries for which Hansel must provide an answer within 3 hours during business hours.

Furthermore, in addition to answering questions and providing advice, the helpdesk also reviews and comments on tendering documents prepared by contracting authorities in the context of framework agreements. Hansel's helpdesk can also prepare, in exchange for a fee, tender documents necessary for contracting authorities lacking the sufficient resources or expertise to define the scope, pricing model and evaluation criteria for the tender within a particular framework agreement. Users calling the helpdesk can even receive in certain given cases technical assistance for handling the procurement procedure by Hansel's legal and procurement experts.

More information at: https://www.hansel.fi/hankintojen-asiantuntijapalvelut/hankintojen-tuki/

Example 70.   AUSTRIA – Support on innovative and sustainable procurement

The Bundesbeschaffung (BBG), the central purchasing body operating under the wing of the Federal Ministry for Finance, has set up a procurement competence centre with a team dedicated to providing legal advice to contracting authorities/entities. It cooperates with the Federal Attorney's Office and the Federal Chancellery to this purpose.

Furthermore, the BBG operates the IÖB service, created in 2013 as a start-up and coordination centre for the promotion of public procurement of innovation in Austria. The IÖB provides training and disseminates information about pre-commercial procurement (PCP) and public procurement of innovation (PPI) in Austria. In cooperation with the Federal Administrative Academy, the IÖB service centre regularly organises seminars aimed at raising awareness among decision-makers and procurement practitioners about the benefits of innovative and sustainable procurement.

The purpose of these seminars is not only to instruct participants on the practical aspects of innovative and sustainable procurement, but also to provide background knowledge in the areas of innovation, project management, public procurement and the applicable legal framework.

More information at: http://www.ioeb.at/

Example 71. GERMANY – Providing expertise on innovative and sustainable public procurement

The Competence Centre for Innovative Procurement (KOINNO) was set up and is run by the Association for Supply Chain Management, Procurement, and Logistics e.V. (BME) for the Federal Ministry of Economic Affairs and Energy (BMWi). Within KOINNO, the BME established a department aiming at providing support contracting authorities/entities at national, regional and local level, in particular putting in place a forum for discussions about future trends on innovation and knowledge and good practices exchange between public sector organisations and economic operators, inter alia.

In order to foster the use of innovative public procurement through the identification of good practices, the BME together with the BMWi created in 2006 the prize Innovation schafft Vorsprung ('Innovation creates a lead'). Moreover, the BME cooperates closely with the Competence Centre for Sustainable Procurement (Kompetenzstelle für nachhaltige Beschaffung) within the Procurement Department of the Federal Ministry of the Interior with the aim of integrating experiences and exchange knowledge.

Moreover, the referred Competence Centre for Sustainable Public Procurement was set up in order to promote sustainable procurement at the federal level and to put ideas into practice. The Centre is based on the federal programme of sustainability "Translating sustainability into concrete administrative actions", focusing its activities on the collection and distribution of information on good practices, the provision of advice on public procurement to contracting authorities/entities, as well as the provision of dedicated trainings, lectures and events on sustainable public procurement. For that purpose, the centre has the task of horizontal and vertical integration, namely, targeting contracting authorities/entities at federal, state and local level.

More information at: http://en.koinno-bmwi.de/

Example 72. BELGIUM - Advisory body for public procurement

ABA (Aankoopbeleid en Advies or Procurement Policy and Advice Commission) is a specialised advisory body composed of public procurement experts from the federal public administration, public corporations, supervisory bodies and representatives of businesses and trade unions. The body is part of the Procurement Unit of the federal government Policy and Support services. It is divided into two sectors: procurement advice and procurement policy with the following tasks:

- Providing legal opinions at the request of the federal procurers in the context of the preparation, award and execution of public procurement of supplies and services;

- Providing training and knowledge transfer related to public procurement regulation;

- Developing manuals, dashboards and supporting documents that can be consulted by the federal contracting authorities/used in their procurement of supplies and services.

ABA works closely with the Federal Network of Federal Buyers. It gives no advice to companies or public services outside the federal government.

More information at: http://www.publicprocurement.be/nl/federale-diensten/de-cel-aankoopbeleid-en-advies-aba

Example 73.   SPAIN - Public Procurement Consultative Board

The Spanish national Public Procurement Consultative Board (PPCB) traces its origins to the 1960s and its current regulation dates back to 1991. The Board lies within the Ministry of Finance and Civil Service and acts as a consultative body to contracting authorities on legal matters related to public procurement. Contracting authorities/entities can launch a consultation after which the Consultative Board assesses and issues an opinion/formal report, mostly legal interpretations but can also be advice on economic or technical aspects of public procurement. The reports are not binding but are generally followed. Informal consultations take place as well.

In contrast to a helpdesk, PPCB provides interpretations of national and international law in general terms, and not related to specific procedures. The Board gathers senior experts on public procurement from all ministries, the legal service and auditor service; the private sector is also represented through national associations.

It has grown from a single staff member when it was originally set up to multiple units in a large organisation and is still expected to grow. With time the Board's tasks have evolved as well. One of the main changes has been extending the scope of assessments through cooperation with other territorial administrations, for instance the over 8,000 local entities in Spain and the 17 autonomous regions, most of them having similar bodies to the PPCB. PPCB's current tasks also include:

- Approving the list of economic operators that have the right to take part in public procurement procedures without having to present documents;

- Publishing excluded economic operators;

- Responsible for national public contract registry;

- Having policy-making and policy evaluation powers, including at international level, e.g. negotiation of EU directives, relations with OECD, position papers, transposition of EU directives and the drafting of legislation. Indeed, each draft piece of law or regulation needs the approval of the PPCB.

With the transposition of the new EU directives on public procurement the PPCB is expected to broaden its scope further and be responsible for the obligations in Directive 2014/24/EU, in particular monitoring public procurement (including possible structural or recurring problems in the application of the rules) and providing related statistical reports (e.g. on wrong application, legal uncertainty, level of SME participation and on the prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interest and other serious irregularities).

More information at: http://www.minhafp.gob.es/es-ES/Servicios/Contratacion/Junta%20Consultiva%20de%20Contratacion%20Administrativa/Paginas/default.aspx

- **Tools and support**

Example 74. EUROPEAN COMMISSION – A voluntary ex-ante mechanism for large infrastructure projects

The European Commission has adopted, in parallel to the Recommendation on the professionalisation of public procurement, an initiative aiming to support the implementation of large-scale public infrastructure investments, which often suffer from insufficient skills, technical knowledge or full procedural understanding. Many large-scale infrastructure projects are not executed according to plan. Budgets are frequently not respected and overspent. Planning and implementation often take considerably longer than initially foreseen.

The Commission is introducing a three-part mechanism for large infrastructure projects — to provide clarity and guidance to public authorities, and help them to exchange and adopt best practices, through the option to use the mechanism on a voluntary basis to raise questions with the Commission and receive an assessment of a project's compatibility with the EU regulatory framework. The elements of the mechanism are:

- a helpdesk;

- a notification mechanism; and

- an information exchange mechanism.

The helpdesk will be available to national authorities and contracting authorities/entities to provide guidance, answer questions, and clarify specific public procurement issues at an early stage in preparing public procurement decisions. It can play an important role for cross-border projects in understanding the implications of different potential solutions.

All questions will need to be submitted through the dedicated electronic system at: https://ec.europa.eu/growth/tools-databases/pp-large-projects/.

More information: https://ec.europa.eu/growth/single-market/public-procurement_fr

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➔ 9.b. Dissemination of information on new legal developments, policy priorities and good practices

Exchanges of good practices constitute a useful tool Member States can rely on when implementing a given professionalisation strategy aimed at increasing administrative capacity of contracting authorities/entities. Exchanges of good practices enable for the transfer of knowledge between institutions very often departing from different administrative cultures and with different objectives, working methods, legal systems and resources. This reality has to be acknowledged and what might be feasible in one country might require a different approach in the country aiming at transposing a given good practice.

In order to facilitate the process of exchange of good practices, different methodologies have been developed by international organisations focused on providing technical assistance in capacity building, in particular the Work Bank's 'knowledge exchange methodology'.

- **Examples and case studies:**

Example 75.   THE WORLD BANK – Knowledge exchange on e-procurement

The World Bank has financed knowledge-exchange activities between several nations, aiming at fostering peer-to-peer learning in order to share goods practices and replicate solutions across countries. The objective is to provide local actors and practitioners with the necessary knowledge and tools through a strategic, results-oriented approach to learning. This particular way of conducting exchanges of good practices between public procurement practitioners at international level is dubbed "knowledge exchange methodology".

One of the knowledge exchange projects implemented referred to the creation of an e-procurement system for Vietnam modelled on examples of good practices extracted from Chile's own experiences when dealing with e-procurement. With a lack of know-how and an adequate legal framework to carry out the implementation of e-procurement, Vietnamese authorities asked Chilean authorities for their assistance. A Vietnamese 10-member delegation was part of a study visit to Chile in which they were introduced to the country's e-procurement system, with the participation of private partners and service providers. The exchange helped Vietnamese authorities:

- Revise Vietnam's e-procurement strategy using the knowledge acquired from Chilean experts, and carry out a study on the economic viability of the system;

- Conduct several workshops to present the roadmap for implementation and seek opinions and suggestions from different stakeholders;

- Draft a bidding instrument, including technical specifications, in order to get funding for the implementation through a public-private partnership (PPP).

More information: https://openknowledge.worldbank.org/handle/10986/17540

- **Tools and support:**

Example 76.   EUROPEAN COMMISSION – Public Procurement Wiki tools

In 2014 the European Commission launched a collaborative website in the form of Wiki tool with the purpose of establishing a direct channel of communication with the Member States on the application of the 2014 Public Procurement Directives, thus enabling national public authorities to submit enquiries on public procurement related issues. Furthermore, the Wiki tool can help identify good practices and facilitate knowledge exchange between Member States.

In parallel, a dedicated Wiki on e-procurement was also set up by the European Commission with the aim of providing Member States with a channel through which present questions on different aspect of e-procurement, including ESPD.

More information at: https://ec.europa.eu/growth/single-market/public-procurement_fr

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Example 77.   EUROPEAN COMMISSION – TAIEX REGIO PEER 2 PEER

In 2015, the European Commission launched the TAIEX REGIO PEER 2 PEER instrument, co-funded through the European Commission's technical assistance. TAIEX REGIO PEER 2 PEER is designed to share expertise between bodies that manage funding under the European Regional Development Fund (ERDF) and the Cohesion Fund, whilst avoiding the common mistakes of top-down, one-fits-all approaches.

This instrument helps public officials involved in the management of cohesion policy programmes meet their peers and operational counterparts from other Member States and share concrete know-how, good practice and practical solutions already tested on the ground.

Moreover, public procurement is one of the recurrent topics under this PEER 2 PEER tool. So far the Commission has organised 9 exchanges on procurement issues, involving participants from 21 Member States. These events discussed aspects such as e-procurement, selection and award criteria for most economically advantageous tenders (MEAT), procurement controls, tackling irregularities, inter alia.

PEER 2 PEER exchanges were also organised for several Member States (Hungary, Slovakia) with the purpose of helping them with the fulfilment of ex ante conditionalities on public procurement.

More information at: http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/taiex-regio-peer-2-peer/

➔ 9.c. Encouraging communities of practice through online fora and professional social networks

A community of practice refers to a shared platform, forum or social network, where procurement practitioners can exchange knowledge and experience, ask questions, share documentation or collaborate on common projects. Having such a space is important because very often knowledge and expertise in public procurement are dispersed throughout the different layers of government, with pockets of highly skilled procurers within some

institutions or regional areas, but limited knowledge across the scattered contracting authorities/entities.

With the creation of a community of practice, knowledge can be easily centralised and disseminated widely, without the need to build up extensive capacity. The community of practice can also be fostered through regular conferences and events, where practitioners are able to meet and interact in person. Thanks to easy and frequent interaction, practitioners are more professionalised and are thus able to avoid errors as well as deliver better value for money. Finally, a community of practice helps practitioners in tackling more challenging aspects of procurement, such as green, innovative and socially responsible procurement.

- **Examples and Case Studies:**

Example 79.   FRANCE – Social Network for State Buyers (Réseau Social Professionnel des Achats de l'Etat - RESPAE)

In France, the newly created State purchasing directorate (DAE - *Direction des Achats de l'État*) of the Ministry of Economy and Finance (Minefi) launched a social network for buyers, the *Réseau Social Professionnel des Achats de l'Etat*, as part of its strategy to professionalise procurement. The testing phase of the social network was launched in October 2016. The full version of the social network went live in January 2017. Since mid-March 2017, RESPAE encompasses more than 620 members belonging to one of the 11 French ministries as well as over 40 State public agencies, which participate in 30 active communities of the professional network.

The social network is dedicated to state buyers and aims at fostering cooperation, exchanging good practices and transferring skills between buyers, as well as sharing documents and ideas. It allows buyers to capitalise on their knowledge and know-how. It aims to professionalise buyers on the economic dimension of the purchase more than on the legal dimension that they are already supposed to have. The target audience includes both buyers from State central administrations as well as buyers from decentralised ministries throughout France.

Members of the network are able to ask questions, share documents as well as look up expertise of other members. The network is organised by communities dedicated to various purchasing themes: thematic communities, purchasing network communities, communities built around specific purchasing projects. Individuals from outside the State and its public agencies can participate if they are invited to by a community manager for a specific topic. This could be the case for instance for buyers from local authorities or hospitals, lawyers, technical experts in the procurement function, and similar.

More information at: http://www.operachat.fr/actu/respae--le-reseau-social-professionnel-des-acheteurs-de-letat

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Example 80.   THE NETHERLANDS – PIANOo Forum

In the Netherlands, the Procurement Expertise Center of the Ministry of Economic Affairs PIANOo runs the PIANOo Forum since 2005, namely, a pan-European discussion platform for procurement practitioners on procurement related matters. PIANOo Forum was created with the idea of centralising knowledge on public procurement and creating a vibrant community where public procurement experts could share, discuss, exchange ideas and solve issues related to their daily work. The PIANOo Forum community counts 1,600 professionals in public sector procurement, with no suppliers or other stakeholders allowed in. In addition, the Forum in itself contains approximately 80 sub-communities organised according to specific procurement topics, thus facilitating the search for specific information. In particular, forum participants look for practitioners who have experience in certain topics. Finally, PIANOo aims to boost interactions between procurement professionals and experts hosting annual conferences on public procurement, moderating procurement expert groups on various topics such as ICT, e-invoicing, law etc., and organising meetings that promote exchange of knowledge and experience and good practices.

PIANOo's role in the forum is to provide the financing for the platform and managing the electronic tool supporting it. Furthermore, it acts as a content moderator. The Forum is largely self-sustaining thanks to the active participation from users, with some of them using the platform on a daily basis. Nevertheless, the PIANOo moderator can stimulate the discussion if he/she observes that activity in the Forum is slowing down. In addition, the PIANOo Forum is used for answering complex questions that PIANOo staff receives via its helpdesk by posting them for discussion to the PIANOo Forum. The Procurement Forum is co-shared with ICLEI, the global network of cities, towns and regions dedicated to sustainability, and other partners. The Dutch and the English language are both supported on the platform.

More information at: https://www.pianoo.nl/over-pianoo/online-instrumenten/pianoo-forum