



SP3: Baukultur - Achieving Quality in the Built Environment

Urban Agenda for the EU - Partnership on Public Procurement

Policy paper

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This paper was submitted to the Coordinator of the Partnership on Innovative Public Procurement (City of Haarlem) as a contribution to the consultation on the draft Action Plan.

**Public Procurement and Cities.
Innovative and responsible procurement.**

This comment concerns the procurement of the built environment and its planning processes.

The built environment has a huge impact on the quality of life of the citizens. European cities have a long history, adapting their growth and shapes to the developing needs of societies. They serve, in a worldwide context, as a best practice model for urban the life of people.

One common feature of all European cities is the quality of its elements, grown, renovated, adapted through times, creating a high quality density and living conditions both by its buildings and its urban open spaces.

All further steps have to follow the same quality criteria, to develop the cities in a way that complies with the quality standards of the historical heritage.

To develop cities in a future-orientated way, **innovation** is a key issue. Many decisions taken when implementing/planning new elements and structures in a city's fabric follow paths that were used long since and, therefore, are considered to be experienced. These habits carry the risk of excluding innovative ideas and concepts, whereas it is obvious that such solutions are urgently needed to answer new challenges.

European professionals offer a huge amount of innovative and responsible solutions. The main goal to achieve innovation is to give these professionals a chance to contribute.

Unfortunately, in most cases, these opportunities to contribute were not given to the broad potential available, as **many creative and innovative actors are mostly excluded** from the procurement procedures by using excessively high and disproportionate thresholds, asking for inappropriate high scale references, or references concerning only the specific type of the building. By these methods, the contracting authorities, by nature, get only **More of the same.**

And this is not innovative, on the contrary. One of the main routes to innovation is through **openness.**

European procurement legislation offers manifold tools to make innovative solutions possible and to run open procedures; but it is mostly not used in this way.



Open procedures, offering participation to all innovative and creative forces, should be used as much as possible, and from this starting point on we can build the path for best practice procurement:

The first criteria is **quality**.

The historical path of cities shows that all their growth has been based on a mutual and common understanding. This includes sometimes only decision makers, sometimes a wider public entity. But still, in all cases, where the development was fruitful, the built environment has undergone the necessary acceptance of the citizens; in other cases the decisions were revised sooner or later.

Our conclusion is, that this process of adaptation, in our faster paced times, has to be part of the planning process.

This is the second element : **participation**

The EU has adopted the Public Procurement Directive. This Directive offers many ways of procuring public goods and here, essentially, public services. Indeed, there is a special chapter for the selection of proposals in this Directive.

This is the third element : **the competition**

Cities have manifold ways of influencing the development of their shape and quality. There are zoning plans and regulation plans, defining the use of land, defining the building mass, height, floors, and other factors, depending on the regional legal instruments.

Cities are the most local entities, being at the closest distance from users and citizens. Decisions at this level have most impact on the result and quality of life. Starting from a positive political and societal will, cities can change and innovate their shape and life in the most effective way, and many cities that followed this path can show as examples.

This is the fourth element : **building regulations**

The use of these 4 elements offers great opportunities to establish adequate processes for developing the shape of a city. They all are elements of good planning, which is the basic condition for innovative, responsible and fruitful development.

Our basic recommendation for public procurement in cities is a process which is a **quality based and project orientated selection procedure**. In other words, this is actually the definition of the architectural design competition (adc), or, shorter, the **architectural competition**.

The adc can be used on different levels: on the level of town planning, public spaces, as well as for urban quarters and buildings. It can be an ideas competition, as well as a competition for the procurement of the whole planning process of any real estate unit.

The adc starts with a clear definition of the task and the needs, the framework and possible costs and the criteria to be decided later. In this phase the integration of the public is possible and necessary, as it opens up the collection of ideas and needs, and takes care that the brief



for the competition is accepted through wider participation, which is a good step towards getting the project itself accepted later on.

Several participants deliver proposals anonymously, which is a very important aspect and rule, as it prevents any bias or corruption. The decisions are taken by a jury, which has to act independently and is composed of professionals with the same expertise as the participants, and also non-professionals, mostly representatives of clients, or political decision makers.

No individual planner can imagine how many variations can be offered by so many individual participants. In this respect the adc delivers another extra-bonus, as this variety provides for a far more in-depth development of the project.

After inspecting all projects thoroughly, the jury makes its decision, by shortlisting mostly 3 candidates – selecting 1 winner and offering 2 other prizes. The final decision is taken after in-depth discussion, taken into account all criteria given in the brief.

This shows the character of the procedure: the decision is taken on the basis of the quality of the proposal, comparing as many as there are, and it is a future orientated selection, as it is based on the most suitable proposal for the task.

Another advantage of the adc is, that the decision is “outsourced” from the political decision makers. They are part of the jury either directly or through persons of their trust. But they are not personally responsible for the decision itself. This is given to the jury, which can rely on the expertise of the professional jury members.

Experience shows that solutions and projects found by adc-s are always innovative. Indeed, we have certain landmark-projects in Europe, like Centre Pompidou and the Oslo opera,to be continued.

At the same time it is relevant to state, that the adc is not used only for prominent buildings, but is as by far the best tool to fulfill every day needs of the citizens , like housing, work spaces, offices, open spaces, streets, pedestrian zones, etc.

The Architects' Council of Europe, along with its member organisations, are advising public clients continuously on this matter. The ACE has published, on its web site, a set of basic rules and other recommendations on design competitions.

The architectural competition has a long tradition, going back 200 years. Many relevant, iconic projects have been selected and executed after a design competition. Also, with reference to the European Public Procurement Directive, we call for the inclusion of these considerations and recommendations into the procurement strategy.

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